COMMUNITY ADVISORY COMMITTEE

2023-2024 Meeting Schedule*

10:00 a.m.

South County Regional Education Center (800 National City Blvd National City)

RESOURCE FAIR	AUG. 3, 2023
INTERNET SAFETY & SECURITY	SEPT. 5, 2023
IEP BASICS & KEY COMPONENTS	OCT. 12, 2023
PROCEDURAL SAFEGUARDS EXPLAINED	NOV. 2, 2023
ALTERNATIVE DISPUTE RESOLUTION(ADR) REVIEW	DEC. 7, 2023
SECONDARY TRANSITION	JAN. 11, 2024
MANAGING BEHAVIORS IN THE HOME	FEB. 1, 2024
MENTAL HEALTH	MARCH 7, 2024
PRESCHOOL TO KINDERGARTEN TRANSITION	APR 4, 2024
ART AND AWARD SHOW	MAY 23, 2024 4:30 - 6:00 P.M

JECT TO CHANGE

Aug., 20

South County SELPA Presents:

Notice of Procedural Safeguards: Empowering Parents for Informed Decision-Making

South County SELPA
Community Advisory Committee (CAC)
November 2, 2023

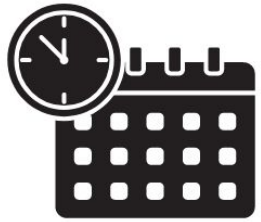
Outcomes

Deepen understanding of:

- Timelines
- Free Appropriate Public Education (FAPE)
- Individuals with Disabilities Education Act (IDEA)
- Your procedural safeguards
- How to use procedural safeguards to advocate for your child to proactively resolve disputes
- Access resources for assistance

Background Information

TIMELINES



SEND PARENTS IEP MEETING NOTICE
"Early enough to ensure an opportunity to attend" the IEP. **10** Days is generally considered reasonable and best practice.
EC 56043(e) & EC 56341.5(b)

NEED PARENT CONSENT TO A PROPOSED ASSESSMENT PLAN
Ideally within **15** calendar days after the receipt of the proposed assessment plan.
EC 56043(b)& EC 56321(c)(4)

5 DAYS | 10 DAYS | 15 DAYS

ACCESS TO COPIES OF STUDENT RECORDS
Within **5** business days of oral or written request from parent(s).
EC 56043(n) & EC 56504

ASSESSMENT PLAN BOTH AN INITIAL AND RE-ASSESSMENT
Within **15** days of referral. Paused for school breaks >5 school days.
*If rec'd 10 or less days before end of school year, then due within 1st 10 days of following school year.
EC 56043(a) & EC 56321(a)

CFR: Code of Federal Regulations
EC: California Education Code
FAPE: Free Appropriate Public Education

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TIMELINES

PARENT REQUEST FOR IEP TEAM MEETING

Within **30** calendar days of written request from parent. Paused for school breaks >5 school days. EC 56043(1) & EC 56343.5

IEP TEAM MEETING

30 days to develop the IEP after determination that student needs special education. EC 56043(f)(2) & EC 56344(a)

IEP TEAM MEETING TO REVIEW ASSESSMENT (Initial/Re-evaluation)

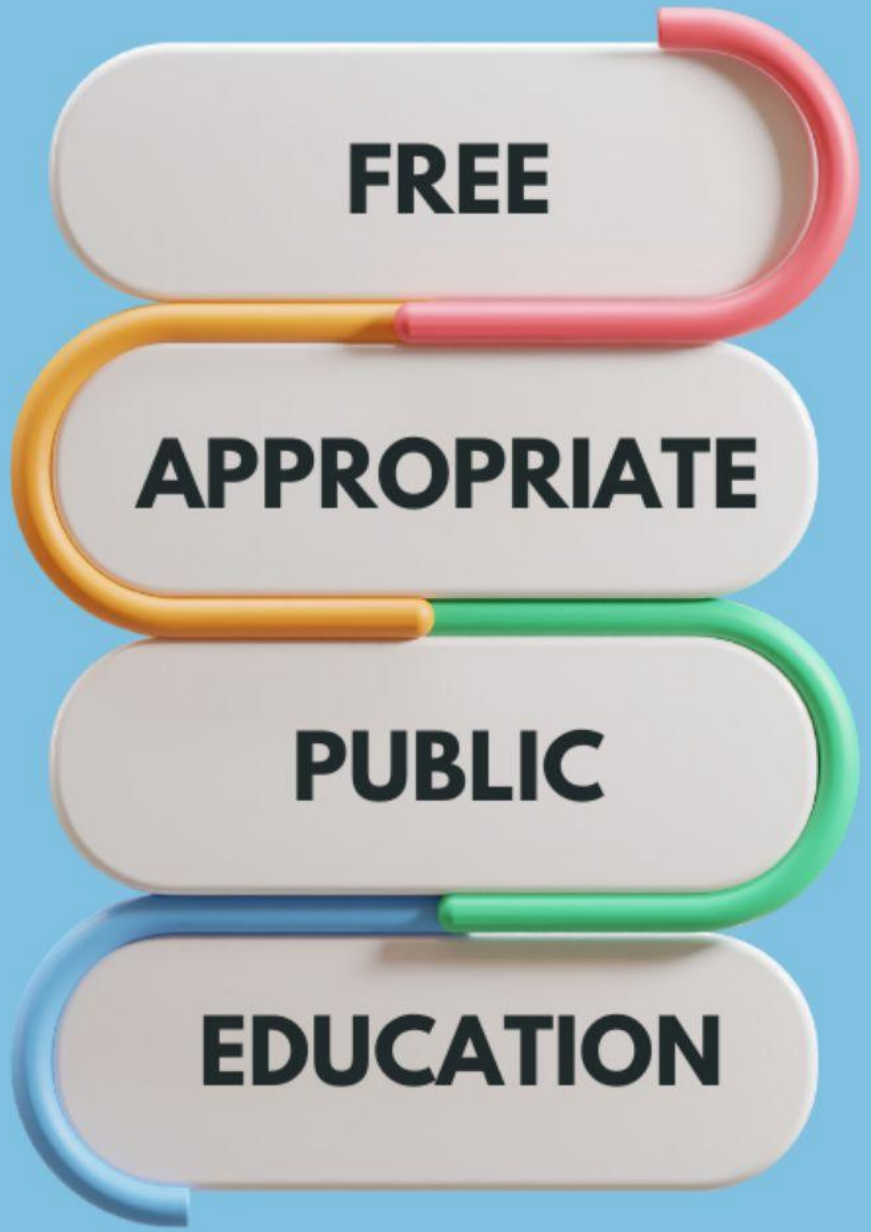
60 calendar days after receipt of signed assessment plan. Paused for school breaks >5 school days. *If rec'd 30 days or fewer before end of school year, then due within first 30 days of the next school year. EC 56043(f)(1); EC 56343(a); & EC 56344(a)

30 DAYS

60 DAYS

RESPOND TO IEE REQUEST

30 days is generally considered reasonable and best practice. 34 C.F.R. 300.502(b)



At not cost to parent.

Designed to meet the unique needs of the child and to the same extent that the needs of non-disabled peers are met.

Education delivered in a school (including preschool, elementary, secondary, and transition) setting that is offered at public expense. This includes charter school.

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Individuals with Disabilities Education Act

CHECK-IN

Do you understand your procedural safeguards?

IDEA

The Individuals with Disabilities Education Act (IDEA) is the nation's special education guiding law that requires public schools to meet the unique needs of eligible students with disabilities.

IDEA

Both early intervention and school-aged services are available through the Individuals with Disabilities Education Act (IDEA).

PRINCIPLES OF IDEA

- Rights and protections for parents and child
- Find and evaluate children
- Early intervention (birth - 3)
- Special education and related services (3-21)
- Free Appropriate Public Education (FAPE)
- Least Restrictive Environment (LRE)
- Due Process

U.S. Department of Education, Individuals with Disabilities Act

PART C

Early intervention services for **infants and toddlers** with disabilities, birth to age 3, and their **families**

PART B

special education and related services for **students** ages 3 through 21

Procedural Safeguards

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What is the Notice of Procedural Safeguards?

They are an overview of educational rights for parents, legal guardians, and surrogate parents of children with disabilities ages 3 through 21 under IDEA and California Education Code.

Transfers to students who have reached the age of 18 (unless transferred back to parent).

When do you receive the Notice of Procedural Safeguards?

Must be provided once per year, plus when:

- You ask for a copy
- Child is referred for special education assessment
- Assessment plan is opened
- You file state or due process complaint
- Discipline equals a change in placement

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

YES

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

You must be given the opportunity to participate in any decision-making meeting regarding special education.

Note: You must notify the IEP Team if you plan to electronically audiotape a meeting at least **24 hours** prior. The district may then also electronically audiotape as well.

Where can I get more help?

Start here

My child's case manager and/or service provider

My child's principal

Special Education Department at your District Office

SELPA Office, if applicable

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Special Education Parent Liaison

- Parents of children with special needs
- Over 45 combined years of experience
- Bilingual
- Neutral

Laura Cervantes

Liliana Armenta

Special Education Parent Liaison

- ✔ IEP Attendance and Support
- ✔ Assist Parent in the following:
  - Understanding IEP process
  - Educating on Student's disability
  - Understanding parent/student's rights
  - Encouraging parent participation at school
  - Utilizing community services available
- ✔ Provide other resources
- ✔ All services are **FREE**
- ✔ All service are **CONFIDENTIAL**

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What if my child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?

All students may receive services at:

- District of Residence
- Separate School - Davila Day School (DH/H)
- State Special Schools, if IEP Team offers, at CA Schools for the Deaf in Freemont and Riverside or CA School for the Blind in Freemont

State Special Schools also offer assessment services and technical assistance

Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records

Prior Written Notice (PWN): When is a notice needed?

- Following the proposal and/or refusal related to the initiation or change in the following:
  - identification
  - assessment or evaluation
  - educational placement
  - or offer of FAPE

Prior Written Notice (PWN): When is a notice needed?

- Must be provided in your native language
- Provided within a reasonable time
  - Assessment Plan must be sent within 15 days or written request for evaluation
- Generally written by the special education department

PRIOR WRITTEN NOTICE

34 CFR § 300.503

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

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Parent Consent: When is my approval required for assessment?

Parent Consent: When is my approval required for services?

ALWAYS

Give informed, written approval before the district can provide special education and related services.

Parent Consent: What are the procedures when a parent does not provide consent?

If a parent does not consent to:	then the school:
Initial Assessment	MAY file Due Process
Begin Services	MAY not provide services
All parts of the IEP	MUST begin those consented to without delay
Services believed to be FAPE	MUST begin due process
Reevaluations	MUST document reasonable measures to get consent
Reevaluations (no response)	MAY proceed with the reevaluation

Parent Consent: When may I revoke consent?

You must state in writing and then the:

- District must send a Prior Written Notice
- After notice, district may not continue to provide special education and related services

Surrogate Parent Appointment: What if a parent cannot be identified or located?

- School district must ensure that a person is assigned to act in place of the parent
- A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, adjudicated dependent or ward of the court

Nondiscriminatory Assessment: How is my child assessed for special education services?

- Assess in all areas of suspected disability
- Materials must not be racially, culturally, or sexually discriminatory
- Assessed in native language or mode of communication, unless it is clearly not feasible to do so
- Age-appropriate
- Multiple procedures/criterion

Independent Educational Assessments: May my child be tested independently at the district's expense?

- If you disagree with the assessments results, you have the right to ask for an independent assessment at public expense
- District may:
  - Fund the request and provide information
  - File Due Process to defend their assessments
- Only one independent educational evaluation each time district conducts and parent disagrees

Independent Educational Assessments: May my child be tested independently at the district's expense?

- If district assessment procedures allow for in-class observation, then the IEE provider must also be allowed to observe in the classroom.
- If district proposes a new school setting, the IEE provider must also be allowed to observe the new setting

Access to Educational Records:
May I examine my child's educational records?

YES

Within five business days after request orally or in writing.

How Disputes Are Resolved?

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Due Process Hearing:
When is a due process hearing available?

Right to request related to the following:

- identification
- assessment or evaluation
- educational placement
- or offer of FAPE

Within two years of the alleged action in the complaint

Mediation and Alternative Dispute Resolution: May I request mediation or an alternative way to resolve the dispute?

Request either before or after a request for due process

- You may ask the district to resolve through mediation or alternative dispute resolution
- May not be used to delay your right to a due process hearing

What is ADR?

Alternative Dispute Resolution (ADR) is a **voluntary** process for resolving special education conflict in a **neutral,** respectful, and caring environment. It uses clear communication, **collaboration**, negotiation, and mediation to produce a fair agreement that meets the interest of all parties involved. The ADR process allows the parties to come up with an **innovative** and jointly agreeable outcome.

South County SELPA ADR

Types of ADR

INFORMAL

Special Education Parent Liaison

Neutral SELPA Case Review

Neutral SELPA IEP Support

FORMAL

Facilitated IEP

Early Dispute Resolution Mediation

Facilitated Resolution Meeting

Benefits of ADR

- Free
- Confidential
- Fast and Convenient
- Collaborative Results
- Legal Protection
- Individualization
- Maintain Your Voice
- Non Adversarial

Mediation and Alternative Dispute Resolution: What is a pre-hearing mediation conference?

- Informal, non adversarial, preceding to resolve issues
- District may consult with attorney prior to/following the conference and be accompanied by a non attorney representative
- Not a prerequisite to requesting due process
- Parent or school district filing the hearing request must send a copy to the other party at the same time it is filed with the Office of Administrative Hearings

Mediation and Alternative Dispute Resolution: What is a pre-hearing mediation conference?

- Prehearing mediation conference scheduled within 15 days of receiving your complaint
- This is a 30 calendar day period that starts after the school district receives the due process complaint
- Resolution takes place during this time
- Resolution is legally binding written agreement
- All discussions are confidential
- If issues are not resolved, the filing party has the option of filing for due process

Due Process Rights: What are my due process rights?

You have the right to:

- Have a fair and impartial administrative hearing at the state level
- Have an attorney or individuals knowledgeable about children with disabilities
- Present evidence, write and oral arguments
- Confront, cross-examine, and require witnesses to be present
- Receive written or electronic verbatim record, including facts and decisions
- Have child may be present
- Open or closed to the public

Due Process Rights: What are my due process rights?

You have the right to:

- Receive a copy of all documents, and a list of witnesses and their general testimony within five business days before the hearing
- Informed of other parties issues and their proposed resolution at least 10 calendar days before the hearing
- Have an interpreter provided
- Request an extension of hearing timeline
- Have a mediation conference at any point during the due process hearing
- Receive notice at least 10 days prior if other party will be represented by an attorney

Filing a Written Due Process Complaint: How do I request a due process hearing?

File a written request including the following information:

1. Name of child
2. Address of the residence of the child
3. Name of the school the child is attending
4. If homeless, available contact information for the child and name of school the child is attending
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution.

Filing a Written Due Process Complaint: What does a resolution session include?

- Session held within 15 days of receiving notice of the parents' due process request
- Include a school representative and not an attorney unless the parent has an attorney
- Parent of child may discuss the issue and facts of the request

Filing a Written Due Process Complaint: What does a resolution session include?

- Resolution session is not required if both parties agree in writing to waive the meeting
- If district has not resolved within 30 days, due process may occur
- If resolution is reached, a legally binding agreement is developed

Filing a Written Due Process Complaint: Does my child's placement change during the proceedings?

No, unless the parents' and the school district agree on another arrangement

Filing a Written Due Process Complaint: May the decision be appealed?

- Decision is final and binding on both parties
- Either party may appeal by filing a civil action in state or federal court within 90 days of the final decision

Filing a Written Due Process Complaint: Who pays for my attorney fees?

- The court may award reasonable attorneys' fees as part of the costs to you IF you are the prevailing party
- Also applies to administrative hearing with the agreement of both parties

Filing a Written Due Process Complaint: Who pays for my attorney fees?

Fees may be reduced:

- Parent unreasonably delayed the final resolution
- Attorneys' fees exceed the prevailing rate
- Excessive time spent and/or legal services provided, or
- Attorney did not provide district the appropriate information in the request notice

Filing a Written Due Process Complaint: Who pays for my attorney fees?

Fees may NOT be reduced if:

- State or district unreasonably delay the final resolution or proceeding or violation of this law section

Filing a Written Due Process Complaint: Who pays for my attorney fees?

Fees are denied if:

- Relating to any meeting of the IEP team may not be awarded unless a result of due process hearing or judicial action
- Parent rejects a reasonable settlement offer made by the district/public agency 10 days before the hearing begins and the decision is not more favorable that the district offer of settlement

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

Office of Administrative Hearings
Attention: Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
Phone: 916-263-0880
Fax: 916-263-0890
Email using Secure e-File Transmission (SFT) system:
https://www.applications.dgs.ca.gov/oah/oahsftweb

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School Discipline and Alternative Interim Educational Settings: May my child be suspended or expelled?

- Considered a change in placement
- Case-by-case basis
- If violates a code of student conduct, they may be placed in:
  - An appropriate alternative education setting, another setting, or suspended for not more than 10 school days
  - Additional removals of not more than 10 consecutive school days in the same school year for separate incidents

School Discipline and Alternative Interim Educational Settings: What occurs after a removal of more than 10 days?

- Must provide services to support progress toward meeting goals
- As appropriate, receive a functional behavioral assessment (FBA) and behavioral intervention services and modifications
- IEP meeting must be held to determine if the conduct is caused by the disability (Manifestation Determination)

What happens if the IEP team determines that the misconduct is not caused by the disability?

The school district may take disciplinary action, such as expulsion, as if the child did not have a disability.

- If you disagree, you may request an expedited due process hearing which must happen within 20 school days of request.

Regardless, district must continue to provide FAPE.

Children Attending Private School

May students who are parentally placed in private schools participate in publicly funded special education programs?

- School district must consult with the private schools and parents to determine the services that will be offered
- BUT, students do not have the right to receive some or all of the services to provide FAPE

State Complaint Procedures

When may I file a state compliance complaint?

If you believe a school district has violated federal or state special education laws or regulations

- Specific Written complaint
- Occurred not more than one year prior to the date filed
- Must give a copy of the complaint to the district when filed

How may I file a state compliance complaint?

California Department of Education
Special Education Division
Complaint Support Unit
1430 N Street, Suite 2401
Sacramento, CA 95814
Phone: 800-926-0648
Fax: 916-327-3704
Email: speceducation@cde.ca.gov
Website: https://www.cde.ca.gov/sp/se/index.asp

PROCEDURAL SAFEGUARDS (RIGHTS)

Procedural Safeguards : Quick Guide

As a parent/guardian of a child with a disability, it is crucial for you to become familiar with your rights.
Use this sheet as a reference.

Your rights include:

- To Participate
- To Receive Mediation
- To Receive Prior Written Notice
- To Access Educational Records
- To be Given a Nondiscriminatory Assessment
- To be Informed of School Discipline and Alternative Placement
- To Receive Independent Educational Evaluation, if appropriate
- Receive assistance from your local SELPA or California parent organizations
- To Give and Refuse Consent
- To File a Complaint against your school District

Your Procedural Safeguards must be provided:

- Annually
- When you ask for a copy
- The first time your child is referred for special education assessment
- Each time you are given an assessment plan to evaluate your child

A full copy of your procedural safeguards can be found at :

State & Local Resources

SELPA

South County SELPA ADR

Senate Bill 511, Family Empowerment Centers

Exceptional Family Resource Center (EFRC)
https://efrconline.org
619-594-7416

- Book Circle
- Connect & Create
- IEP Workshops
- Office Hours
- Parenting Hacks

EFRC
Exceptional Family Resource Center

South County SELPA ADR

RESOURCES

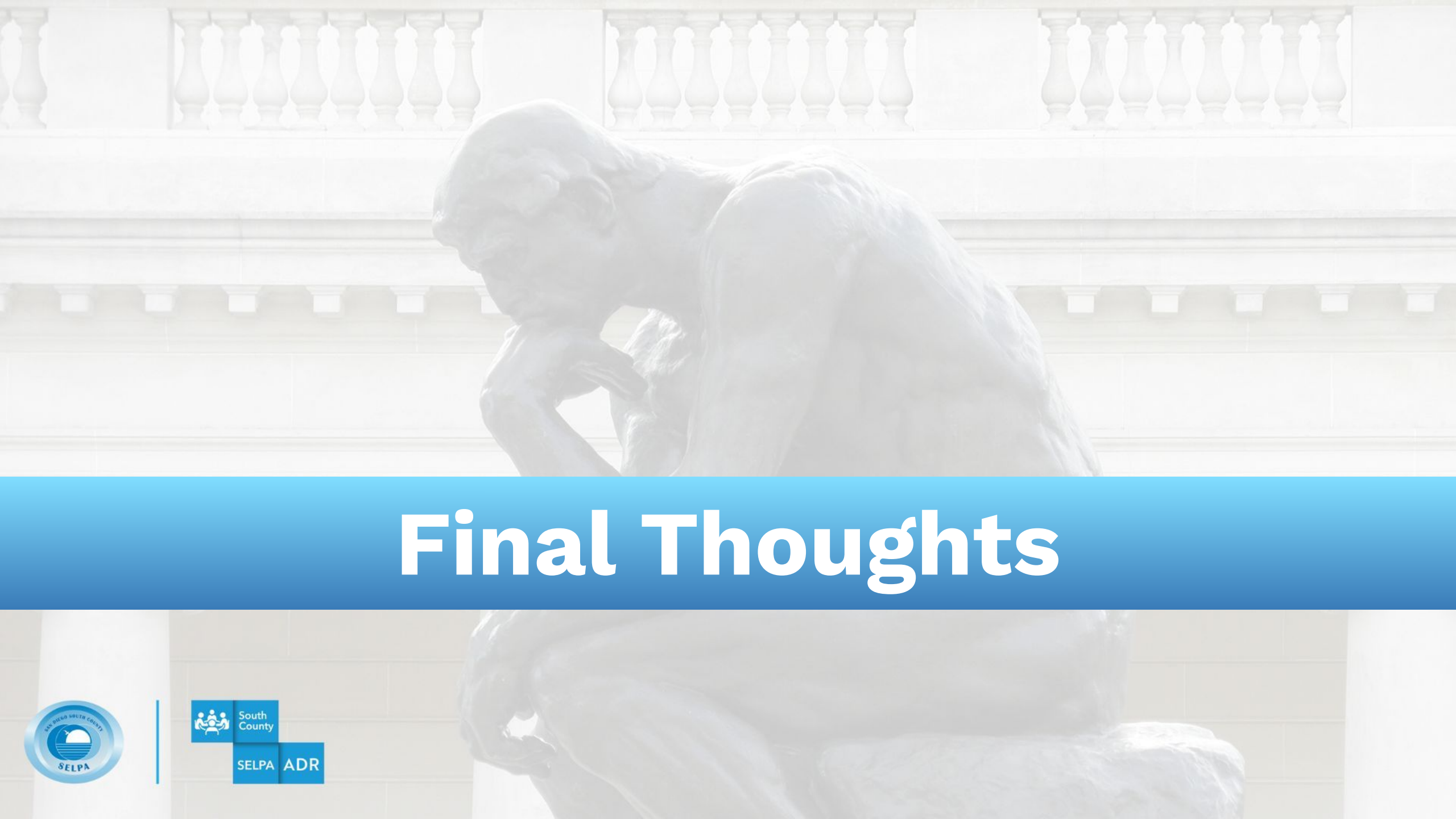
Special Education Rights and Responsibilities - online, searchable publication by Disability Rights California in a family friendly Q & A format. Available in several languages.

Disability Right California

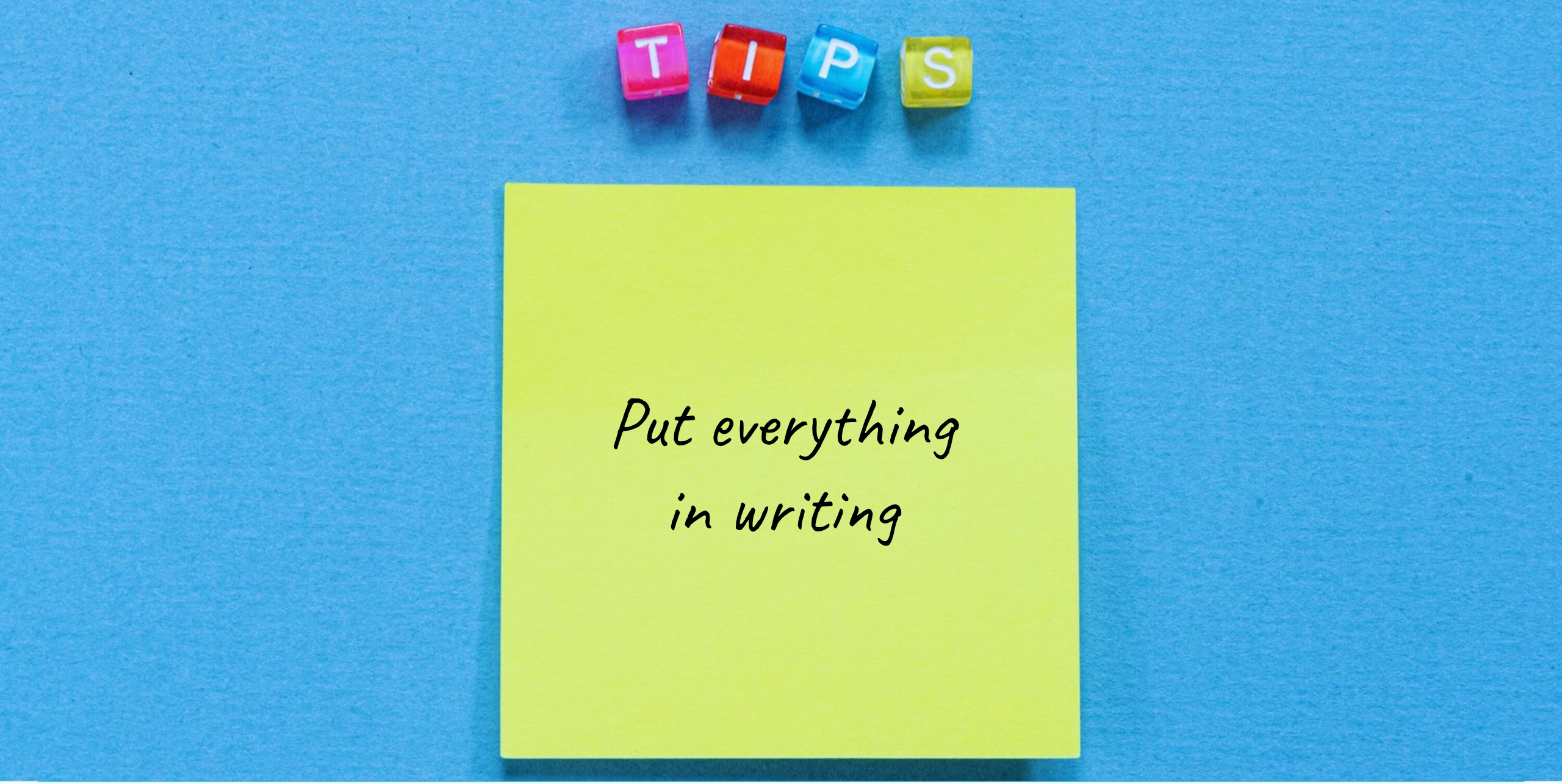
Special Needs Resource Foundation of San Diego

10 key procedural safeguards in IDEA

Understood

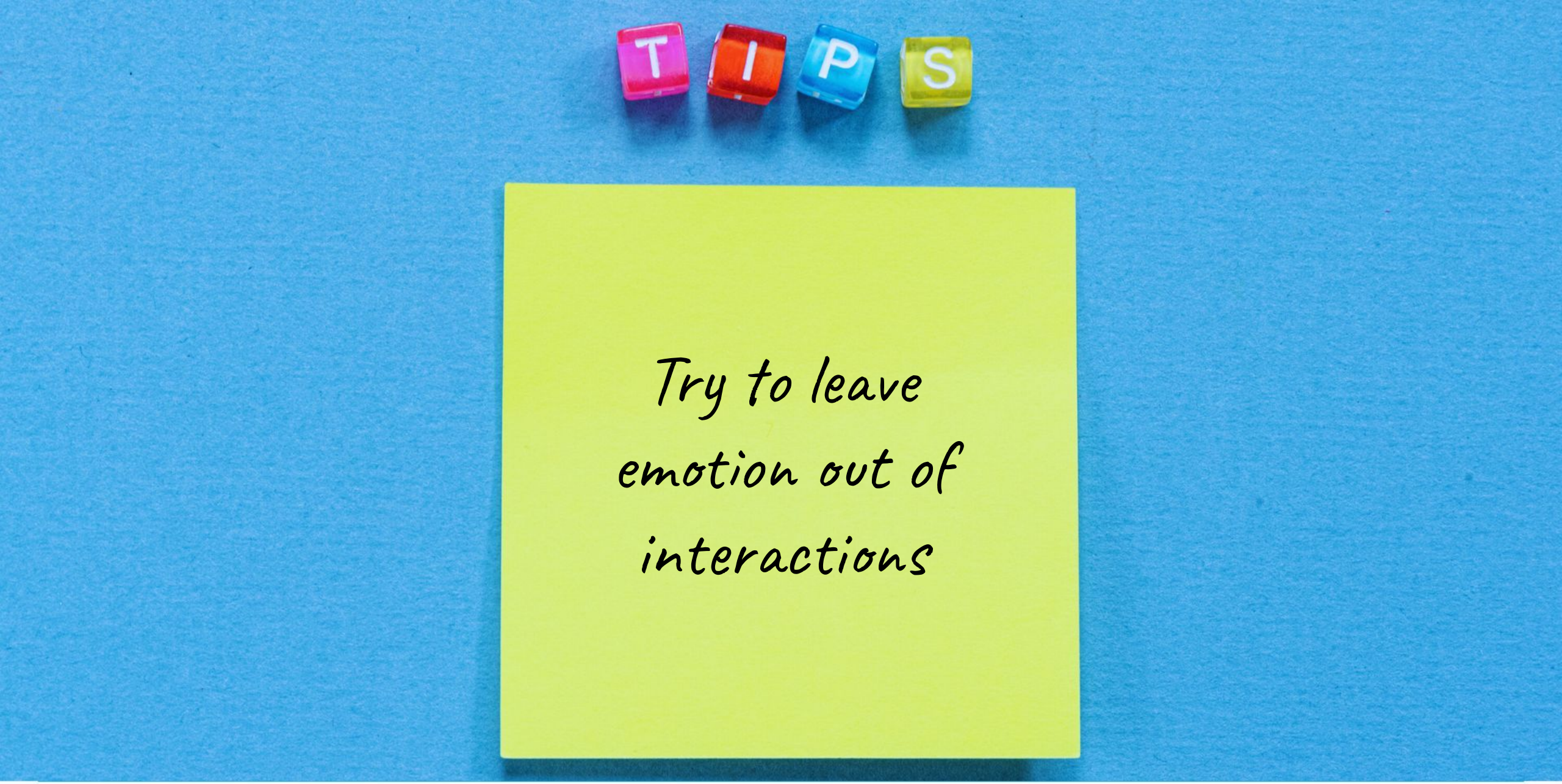


Final Thoughts


TIPS
Put everything
in writing

Appreciate the Prior Written Notice (PWN)

Maintain all records


TIPS
Try to leave emotion out of interactions

Become an expert

Parent IEP Academy

Presented by the South County SELPA Alternative Dispute Resolution (ADR) Team

The South County SELPA believes parent/educator engagement is a critical component in supporting the success of a student during their educational journey. Educating parents in the components of the IEP, the parent's role and the importance of communication and collaboration is the cornerstone to this engagement.

Topics covered within this 5-part workshop series include:
Session 1: Assessment and Timelines
Session 2: Present Levels
Session 3: Goals, Special Factors
Session 4: Offer of Free Appropriate Public Education (FAPE)
Session 5: After the Meeting

Intended Audience: Families with children who are currently being assessed for special education services and families whose students receive special education services in South County SELPA districts.

A Certificate of Completion will be presented to everyone who attends all sessions.

Dates: Wednesdays
Jan. 17, 24, 31 and Feb. 7, 21

Time: 5 to 6 p.m.

Location: Conducted via Zoom virtual attendance

OMS Registration Link:
http://sdcoe.k12oms.org/1036-239544

Cost: FREE

For more information contact Mayra Jaramillo
mayra.jaramillo@sdcoe.net/858-298-2185

Workshop aligns with the following:
LCAP State Priorities: 3, 6
Equity Blueprint: Family Community Voice
North Star Goal: Belonging and Relationships

Follow

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SELPA ADR Website:
www.sdcoe.net/scselpa-adr

TIPS
Get assistance
when needed

South County SELPA ADR

Check-in to Create Connections

Join the South County Special Education Local Plan Area (SELPA) on Zoom for 30 minutes of connecting the dots in your child's IEP and connecting with others in the special education community.

Date	Time
July 12	noon to 12:30 p.m.
Aug. 9	3 to 3:30 p.m.
Sept. 13	noon to 12:30 p.m.
Oct. 11	3 to 3:30 p.m.
Nov. 8	noon to 12:30 p.m.
Dec. 13	3 to 3:30 p.m.
Jan. 10	noon to 12:30 p.m.
Feb. 14	3 to 3:30 p.m.
March 13	noon to 12:30 p.m.
April 10	3 to 3:30 p.m.
May 8	noon to 12:30 p.m.
June 12	3 to 3:30 p.m.

Scan the QR code or go to zoom.com/join and type in meeting ID: 851 2590 6937

CONTACT INFORMATION

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QUESTIONS