



**San Juan Unified**  
SCHOOL DISTRICT

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**Special Education**

# Parent Handbook

10/2021

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## Mission Statement

The San Juan Unified School District Special Education Department provides education and related services according to federal and state law. It is the intention of the Special Education Department to support the district's mission and goals for all children in general and on behalf of those who are individuals with exceptional needs in particular.

We believe that individuals with exceptional needs should be educated to the maximum extent possible in accordance with their individual capabilities and in a manner that enables them to strive for their fullest potential. This can best be accomplished when:

- ❖ Individuals with exceptional needs are treated with dignity, respect, caring, and inconsideration for their special needs.
- ❖ Individuals with exceptional needs learn side by side with their peers in general education.
- ❖ There is an elevated level of collaboration among general and special education staff, parents, and community representatives.
- ❖ Standards and expectations for everyone's achievements are maintained at the highest level commensurate with the student's ability and physical limitations.
- ❖ Individuals with exceptional needs participate regularly in the social and extracurricular activities available on school sites and within the community.
- ❖ Special education services are provided by people who demonstrate a high degree of competence and professionalism.
- ❖ Individuals with exceptional needs are challenged to use their natural abilities to the maximum extent possible to become educated, productive, and independent people.
- ❖ All employees, the Board of Education, and the community value human beings without regard to ability or limitations.

## **Dear Parent(s)/Guardian(s)/Pupil:**

This notice is provided to you because your child is being considered for possible placement or is currently enrolled in a special education program. This notice is also provided for students who are entitled to these rights at the age of 18.

In California, special education is provided to disabled students between birth and twenty-two years of age. Federal and state laws protect you and your child throughout the process of the evaluation and identification of special education placement and services. Parents of students with disabilities have the right to participate in the individual education program (“IEP”) process and be informed of the availability of a free appropriate public education (“FAPE”) and of all available alternative programs, including public and nonpublic programs.

You have the right to receive this notice in your primary/native language or other mode of communication (i.e., sign language or Braille), unless it is clearly not feasible to do so. These rights may also be translated orally to you if your primary/native language is not a written language. This handbook will be provided upon your initial request for a special education assessment, upon the first occurrence of the filing for a due process hearing under Section 56502, or upon your request for additional information or assessment.

Should you need further information regarding the contents or use of this guide, you may contact a special education administrator at the following location:

**San Juan Unified School District  
Special Education Field Office  
4825 Kenneth Avenue  
Carmichael, CA 95608  
Tel: (916) 971-7525**

# **Procedural Safeguards & Parental Rights**

## ***Participation in Making Decisions***

You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in an IEP meeting about the identification (eligibility), assessment, educational placement of your child and other matters relating to your child's free appropriate public education.

You also have the right to participate in the development of the IEP and to be informed of program options, and the availability of free appropriate public education.

Additionally, you have the right to electronically record the meeting on an audio tape recorder. The law requires that you notify the district at least 24 hours prior to the meeting if you intend to record the proceedings.

## ***Prior Written Notice***

You have the right to receive written notice from the school district before decisions affecting your child's special education are put into place. These include decisions to:

- ❖ Identify your child as a child with a disability or change your child's eligibility from one disability to another.
- ❖ Evaluate or reevaluate your child.
- ❖ Provide a free appropriate public education to your child or change a component of your child's free appropriate public education.
- ❖ Place your child in a special education program; or,
- ❖ Change your child's special education placement.

You also have the right to written notice from the school district if the district refuses your request to take these actions.

The Prior Written Notice must include the following:

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

If the notice is not regarding an initial referral for assessment, the notice must provide a statement that you have protection under procedural safeguards, information on how you can obtain a copy of described procedural safeguards, and sources of additional assistance in understanding the procedural safeguards.

## **Parent Consent**

Parents' written approval is required for:

### ***Initial Assessment***

The school district must have your informed written consent before it can evaluate your child. You will be informed about the evaluations to be used with your child. Your school district must make reasonable efforts to obtain your informed consent for a first evaluation.

## ***Reassessment***

The school district must have your informed written consent before reevaluating your child. To avoid confusion, you should inform the school in writing if you want to refuse consent to a reevaluation. The school district may reevaluate your child without your written consent if the school district has taken reasonable measures to get your consent and you have not responded.

## ***Initial and Continued Placement in Special Education***

You must give informed written consent before the school district can place your child in a special education program. You can refuse consent for an evaluation, a reevaluation, or the initial placement of your child in special education. The school district may seek to evaluate or continue your child's placement in special education through a due process hearing if it believes that it is necessary for your child's education.

Consent forms must describe the activity for which consent is sought and list the records (if any) that will be released and to whom. You can revoke consent at any time, except that revocation is not retroactive (does not negate actions that occurred after consent was given and before consent was revoked).

## ***Surrogate Parent Appointment***

In order to protect the rights of the child, school districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified, and the school district cannot discover the whereabouts of a parent. A surrogate parent may be appointed if the child is an adjudicated dependent or ward of the court under the state Welfare and Institutions Code and the child is referred to special education or already has an IEP. A district must make

reasonable efforts to appoint a surrogate within 30 days after determining that a surrogate is needed.

### ***Age of Majority***

When your child reaches the age of 18, all rights under Part B of the Individuals with Disabilities Education Act (IDEA) will transfer to your child. The only exception will be if your child is determined to be incompetent under State Law.

## **Identification, Referral and Assessment**

### ***Identification***

Teachers, parents, local school, and district office administrators have the responsibility of seeking out children with disabilities, including children not in public school programs.

Efforts are made to search the community for any child who may need special education services. It is not enough to wait for the child or parent to come to the school; the school goes to the community to search, find, and serve school-aged children as well as preschool children and infants with intensive needs.

### ***Referral***

Parents of children attending school are encouraged to talk with the school staff when it appears their child is not making progress. A meeting of the school's Student Study Team may be scheduled to consider modifications to the regular education program, which may be appropriate and assist in meeting the child's educational needs. After the resources of the regular program have been considered and appropriately utilized without success, a referral may be appropriate for special education assessment. Referrals must be in writing. The district provides a referral form, which is available from special education staff at every school. Children who



have been medically diagnosed as having a chronic illness or acute health problem may be referred for an assessment to determine the need for special education.

For children attending other than a public school or for children not of school age, you should contact the public school your child would normally attend if enrolled in a public school.

## ***Assessment***

The Individuals with Disabilities Act (IDEA) refers to “evaluation” and California statutes refer to “assessment;” therefore, these words may be used interchangeably by employees of the school district. Before any action is taken with respect to the initial placement or whenever an assessment is to be conducted which will result in the development or revision of the Individualized Education Program (IEP), including an assessment requested by you, then you will be given a written proposed assessment plan for consideration. This will be done with fifteen (15) days of receipt of the referral for assessment, not counting days between school sessions or days of school vacation more than five (5) days from date of receipt of referral. The fifteen (15)!day timeline begins after the student’s vacation when the! regular school year reconvenes. The assessment plan shall be! developed ten (10) days after the start of the new regular school! year when a referral was made ten (10) days or less prior to the! end of the regular school year. You then have at least fifteen (15)! days from receipt of the proposed assessment plan to make a! decision. Assessment will begin following receipt of your written! consent.

A period of up to sixty (60) calendar days is allowed to complete the assessment from the date written consent for assessment is received by the district, not counting days between school sessions or terms. When a parent of a pupil already enrolled in a special education program requests a review, an IEP team meeting is held within thirty (30) days of receipt of your written request, not counting days in July and August.

The school district must use a variety of assessment tools and strategies, including information from the parent, to obtain relevant functional and developmental information to determine eligibility and to develop an Individualized Education Program (IEP) that will enable your child to benefit from the general curriculum. These assessments may address behaviors that interfere with learning so that an appropriate behavior plan can be developed for your student.

***Tests and other evaluation materials must:***

- ❖ be provided and administered in the native language or other mode of communication of your child unless it is clearly not feasible to do so.
- ❖ be validated for the specific purpose for which the tests are used.
- ❖ be administered by trained personnel in conformance with the instructions provided by the test producer.
- ❖ be tailored to assess specific areas of educational need and not just for the purpose of obtaining a single general intelligence quotient.
- ❖ be selected and administered so that the results reflect the child's aptitude or achievement levels, or whatever other factors the test purports to measure, that reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- ❖ rely upon multiple test results as the criteria for determining an appropriate educational program for the child.
- ❖ measure all areas of suspected disability, including, where appropriate, health, vision, hearing, social, and emotional status, general ability, academic performance, language function, motor abilities, self-help, orientation, mobility skills, career and vocational abilities and interests.

- ❖ be conducted by a multi-disciplinary team, which includes at least one teacher or other specialist with knowledge in the area of suspected disability.
- ❖ be selected and administered to not be racially, culturally, or sexually discriminatory

A report of all evaluations will be made at the IEP meeting by the specialist who has conducted the evaluation or another representative who is qualified to provide an interpretation of the information as it relates to the program proposed for your child. In the case of students with specific learning disabilities, the assessment report must be completed by a multi-disciplinary team. You are encouraged to ask questions about the evaluation results and will be given a copy of the written report that has been prepared.

A re-evaluation or triennial shall occur at least every three (3) years as determined by the IEP team or by parent or teacher request. Informed parental consent is necessary prior to conducting any re-evaluation of a child with a disability except when the district can demonstrate that it had taken reasonable measures to obtain such consent and the child's parent failed to respond. The IEP team shall review current evaluation information to determine if any additional information is necessary to develop the IEP. If the IEP team determines not to evaluate, the reasons for the decision, and the time of the three-year re-evaluation, the district will notify you in writing of the decision not to evaluate, the reasons for the decision, and your right to request an evaluation. An evaluation must be conducted before it is determined that your child is no longer a child with a disability under IDEA.

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for one independent education evaluation (IEE) for your child, per evaluation conducted by the district, from a person qualified to conduct the assessment, at public expense. The school district must respond to your request for independent educational evaluation and provide you

information, upon request, about where to obtain an independent educational evaluation. Alternatively, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP Team must consider independent assessments.

District assessment procedures may allow in-class observation of students. If the school district observed your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed an equivalent opportunity to observe your child in the classroom. If the school district proposes a new school setting for your child an independent educational assessor must be allowed to first observe your child in the proposed new setting.

## **Access to Educational Records**

All parents of a child enrolled in the school district have the right to inspect records under the federal Family Educational Rights and Privacy Act (FERPA).

Under IDEA, parents of a child with disabilities (including non-custodial parents whose rights have not been limited) have the right to review all educational records regarding the identification, evaluation and educational placement of the child and the provision of a free appropriate public education and to receive an explanation and interpretation of the records. Under California statutes, the parents have the right to review and to receive copies of educational records. These rights transfer to a non-conserved pupil who is eighteen years old or attending an institution of post-secondary education. Parental consent, or the consent of an adult student, is required before personally identifiable information is released to officials of participating agencies providing or paying for transition services related to post-secondary goals.

Education record means those records that are directly related to a pupil and maintained by an educational agency or a party acting for the agency or institutions, and may include (1) the name of the child, the child's parent or other family member; (2) the address of the child; (3) a personal identifier such as the child's social security number, student number, or court file number; (4) a list of personal characteristics or other information that would make it possible to identify the child with a reasonable certainty.

Both federal and state laws further define a pupil record as any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his duties whether recorded by handwriting, print, tapes, film, microfilm, and computer or by other means. Pupil records do not include informal personal notes prepared and kept by a school employee for his/her own use or the use of a substitute. If records contain information about more than one student, you can have access only to that portion of the record pertaining to your child.

Pupil records may be kept at the school site or district office, but a written request for records at either site will be treated as a request for records from all sites. The district custodian of records will provide you with a list of the types and locations of pupil records (if requested). The custodian of the records shall limit access to those persons authorized to review the pupil record, which includes the parents of the pupil, a pupil who is at least sixteen years old, individuals who have been authorized by the parent to inspect the records, school employees who have a legitimate educational interest in the records, post-secondary institutions designated by the pupil, and employees of federal, state, and local education agencies. Unauthorized access will be denied unless you have provided written consent to release the records, or the records are released pursuant to a subpoena or court order. The district shall keep a log indicating the time, name, and purpose for access of those individuals who are not employed by the school district.

# **INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROCEDURES**

An Individualized Education Program (IEP) meeting will be held no later than sixty (60) calendar days of receipt of a signed assessment plan, not counting days between school sessions, terms, or school vacation more than 5 days. Participants at the IEP shall include:

- 1) The parents of the child.
- 2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment).
- 3) Not less than one special education teacher of the child, or if appropriate, not less than one special education provider of the child.
- 4) A representative of the district who: is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities; is knowledgeable about the general education curriculum; is knowledgeable about the availability of resources of the public agency.
- 5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs 1 - 6 of this section.
- 6) Other individuals, at the discretion of the parent or the district, who have knowledge or special expertise regarding the child.
- 7) Transition service participants, as appropriate.
- 8) The child with a disability, as appropriate.

A member of the IEP team described in paragraphs 1 through 5 of this section is not required to attend the IEP Team meeting, in whole or in part, if you and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

Representatives may be invited from a state certified nonpublic school or a private school attended by your child when the district is (1) considering placement of your child or has placed your child in a nonpublic school program, or (2) considering special education and related services for a child who has been enrolled in a private school by his/her parents.

The IEP team will develop an Individualized Education Program (IEP) for an eligible student that includes:

- 1) A statement of your child's present levels of educational and functional performance, including how the disability affects the pupil's involvement and progress in general curriculum or, for preschool children, how the disability affects your child's participation in appropriate activities.
- 2) Measurable annual goals related to meeting your child's needs that result from your child's disability to enable your child to be involved in and progress in the general curriculum and meet your child's other educational needs that result from the disability; for children with disabilities who take alternative assessments aligned to alternative achievement standards, a description of benchmarks or short-term objectives.
- 3) A description of how your child's progress toward meeting the annual goals will be measured and when periodic reports on the progress your child is making toward meeting the annual goals, will be provided.
- 4) A statement of special education and related services to be provided and, as appropriate, a statement of supplementary aids, services and program modifications or supports necessary in regular education classes.
- 5) The extent to which your child will not participate with non-disabled children in regular education programs.
- 6) A statement of any individual appropriate accommodations or modifications that are necessary to measure the academic achievement and functional performance of your child on State and district-wide assessments; or, if the IEP Team determines that your

child must take an alternative assessment, a statement of why your child cannot participate in the regular assessment, and the particular alternate assessment selected for your child.

7) The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.

When appropriate, the IEP team shall consider:

Pre-vocational career education for K – 6 grade students.

Vocational education, career education, or work experience for 7 – 12th grade students.

Linguistically appropriate goals/objectives, programs, and services, for individuals whose primary language is other than English.

Extended school year services when needed as determined by the IEP team.

Provision for transition into regular education program, including description of activities provided to integrate and support pupils.

Specialized services, materials, and equipment for pupils with low incidence disabilities.

Differential standards when students require this modification.

Communication needs, related services, and program options that may be provided for pupils who are deaf or hard of hearing,

including consideration of pupil's primary language mode and language, availability of peers of similar abilities, on-going

language access to special education personnel proficient in pupil's primary language, and services to ensure communication access

to academic instruction, school services, and extracurricular activities.

A Behavior Support Plan for students whose behavior interferes with his/her learning or that of others.

### ***IEP Program Options:***

The district will consider a continuum of alternative educational placements for your child including, but not limited to:



- ❖ Regular classes, with or without supplemental aids and services.
- ❖ Designated Instruction and Services (DIS).
- ❖ Resource Specialist Program (RSP).
- ❖ Special Day Classes (SDC).
- ❖ Special Education Centers.
- ❖ Nonpublic, nonsectarian school services.
- ❖ State Special Schools.
- ❖ Instruction in settings other than classrooms where specially designed instruction may occur, including but not limited to, instruction in the home, hospital, or a state or out of state residential institution.

Consideration will be given to the least restrictive environment (LRE) and placement will occur in more restrictive settings only when the nature and severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The ***least restrictive environment*** shall be considered in providing or arranging for the provision of non-academic and extracurricular services and activities, including meals, recess, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, assistance for employment by the school district or with an outside agency, and residential care, room and board. An ***Individualized Family Service Plan (IFSP)*** for a child aged three (3) through five (5) years may serve as the IEP if agreed to by the parent and district.

## **PROGRAMS AND SERVICES**

### ***Early Education Services***

The San Juan Unified School District provides services to identified infants ages 0 through 2 years and 11 months. Services are provided directly to hearing impaired children ages 18 months to three years or by the Sacramento County Office of Education Infant Program for other disabilities and by the California Children's Services depending upon the nature of the infant's disability and needs. A full continuum of services is provided for children who are 3 or 4 years of age, including Early Intervention Programs, Designated Instruction Services (DIS), the Preschool Communication Center (PCC), and Special Day Class (SDC) settings.

### ***Resource Specialist Program (RSP)***

Resource students are individuals with less intensive needs who are assigned to regular classroom teachers for most of the school day. The Resource Specialist Program (RSP) provides instructional planning, special instruction, tutorial assistance, and other services to individuals with disabilities in regular classrooms and/or special programs in each school as specified in the IEP. The resource specialist provides information assistance, consultation, resource information, and materials regarding individuals with exceptional needs to parents and staff. An instructional assistant is assigned to help the resource specialist provide necessary instruction.

### ***Designated Instruction and Services (DIS) and Related Services***

Designated Instruction and Services (DIS) and Related Services are supportive services necessary for the student to benefit educationally from the instructional program. DIS is provided by the regular classroom teacher, special class teacher, or resource

specialist teacher when they are competent to provide it and it is feasible. If not, an appropriate DIS specialist provides the service which may include one or more of the following: language and speech development and remediation; orientation and mobility instruction; instruction in the home or hospital; adapted physical education; physical and occupational therapy; vision services; counseling and guidance; psychological services other than assessment and development of the IEP; parent counseling and training; health and nursing services; social worker services; specially-designed vocational education and career development; recreation services; and specialized services for low-incidence disabilities such as readers, transcribers, and vision and hearing services.

### ***Special Day Classes (SDC)***

Special Day Classes (SDC) provides services to students with more intensive needs whose IEP requires attendance in special education for most of the school day. The students are grouped according to similar instructional needs in or as close to the school or residence as possible. SDC teachers are assigned an instructional assistant to help provide necessary instruction.

### ***Special Education Centers***

The district provides opportunities for students with severe disabilities to attend special schools that are designed and equipped to meet highly specialized needs. Centers are provided for students with significant physical and health care needs, for students with severe delays in cognitive or intellectual development, and for students who are emotionally disturbed.

### ***Extended School Year***

Students who have disabilities which are likely to continue indefinitely or for a prolonged period, or when the interruption of the

student's educational program may cause regression which, because of the student's limited recoupment ability, would render it impossible or unlikely that the student would recover, may be eligible for special education beyond the regular academic year. Such students are those placed in special classes or centers. In all cases, the IEP team makes the determination that an extended school year is required and includes it in the IEP. An extended school year is for a minimum of 20 instructional days.

### ***Workability***

Workability helps special education students prepare for the world of work. Middle school activities include career exploration, guest speakers, industrial tours, and student-run businesses. High school opportunities include pre-employment skills instruction, job shadowing, paid and non-paid work experiences, and ongoing job-related support and guidance from our staff of Youth Employment Technicians.

### ***Nonpublic School Services***

Nonpublic, nonsectarian school services may be provided to individuals with exceptional needs when no appropriate public education program is available. The district is required to seek an appropriate special education placement in a program operated by another public education agency prior to nonpublic school placement. Only nonpublic, nonsectarian schools listed in the Directory of Certified Nonpublic Schools and Agencies by the CA. State Department of Education may be used. Such schools have provided the necessary credentials, licenses, and other documents needed to meet state requirements.

### ***State Schools***

Residential schools operated by the State of California are available for complete diagnostic work ups and may be considered

for the placement of certain individuals with disabilities. Such placement is made only upon the recommendation of the IEP Team when no appropriate placement is available in the local area. A referral for further assessment is not considered a state school placement. Prior to referring a pupil to a state school, the district must first conduct assessments which are within the capability of the district. The results of such assessments and reasons for referral must accompany the referral request. The State Schools for the Blind and the Deaf are in Fremont. A State School for the Neurologically Handicapped is in San Francisco.

### ***Services to Parentally Enrolled Private School Students***

The San Juan Unified School District (SJUSD) continues to undertake child find activities regarding parentally enrolled private school children. The district accepts referrals for assessment to determine eligibility for special education services for children suspected of having disabilities and who attend private schools. Students should be referred only after the resources of the general education program have been considered and, where appropriate, utilized (CA Ed. Code, Section 56303). Within sixty (60) days an Individualized Education Program (IEP) meeting will be held to determine the student's eligibility for special education services. If eligible, the special education services offered in the IEP are available if the parent(s) choose(s) to enroll the student in the district school.

If you choose to decline enrollment in the district school, the IEP team shall develop an Individual Service Plan (ISP) in accordance with federal and state laws and regulations. The SJUSD Private School Services Policy is as follows:

“Private school children, enrolled in kindergarten through twenty-one (21) years of age, with speech and language disabilities or visual impairments, are eligible for consultation services which address methods for serving students with speech and language

disabilities or visual impairments. The consultation services will be provided by qualified public-school specialists to private school administrators, teachers, and parents working with these children.”

### ***Unilateral Parent Placement in Nonpublic or Private School***

If you unilaterally place the student in a private or nonpublic, nonsectarian school without district consent or referral of a court or hearing officer, the district may only be required to reimburse you if your child received special education and related services under the authority of a public agency before enrolling in the private school and the court or hearing officer finds that the school district did not make a free and appropriate education available in a timely manner.

### ***Notifying the District***

You must notify the district of your intent to place your child in a private school:

- ❖ at the most recent IEP meeting you attended before removing your child from the public school; or
- ❖ in writing to the school district at least ten business days (including holidays) before removing your child from the public school

### ***Observation of Your Child at a Nonpublic School***

If you unilaterally place your child in a nonpublic school and you propose the placement in the nonpublic school to be publicly financed, the school district must be given the opportunity to first observe the proposed placement and your child in the proposed placement. The school district may not observe or assess any other child at the nonpublic school without permission from the other child’s parent or guardian.

The district is not obligated to offer a free appropriate public education to a child whose parent(s) have voluntarily enrolled that child in a private school. In such cases, the district will propose a Private School Service Plan.

## **SCHOOL DISCIPLINE AND PLACEMENT PROCEDURES**

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

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

As a parent, you will be invited to participate as a member of the team. The school district must provide you with written notice of the required action. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan, as necessary. If the team concludes that the misconduct was not a manifestation of your child's disability, the school district might take disciplinary action, such as expulsion, in the same manner as it would for a child without disabilities. If you disagree with the team's decision, you may request an expedited due process hearing from the Office of Administrative Hearing.

### ***Placement in an Interim Alternative Educational Setting***

Under Federal law, a school district may place a child in an appropriate interim alternative placement for up to forty-five school days under certain circumstances. Those circumstances are when the child has a weapon or has knowingly possessed or used illegal drugs or sold

controlled substances at school or a school function or has inflicted serious bodily injury upon another person.

If you request a hearing or an appeal regarding disciplinary action or manifestation determination, your child will stay in the interim alternative setting or disciplinary setting unless the maximum time for that setting is reached, or if you and the school district agree to another placement.

Alternative educational settings, when permissible, must allow the child to continue to participate in the general curriculum and receive services designed to address the behavior so it does not recur.

## **HOW DISPUTES ARE RESOLVED**

### ***Alternative Dispute Resolution (ADR)***

If you as a parent/guardian are having challenges coming to an agreement with your student's IEP team, these options are available to you. It is important to begin with the least formal process and work toward the more formal process only as needed.

If you have concerns with your student's educational program, your first point of contact should be your school site administrator.

If you still have concerns, please contact the ADR Intake Coordinator at (916) 971-7525

### ***Collaborative IEP Process***

Often parents and school personnel find that they agree on many more things than they disagree on and can build on those areas to reach a compromise.



## ***Facilitated IEP***

If a parent is having frequent IEP meetings or multiple meetings before a team in non-agreement, a Facilitated IEP may assist the team in coming to an agreement. This Facilitator is a neutral party that keeps the team focused and documents all agreements. The goal is to achieve a signed IEP that all the team members feel represents the accommodations needed to educate that student.

## ***Complaint Procedures***

Note: Complaint procedures in this section are related specifically to the California State Appeal Process and are not the same as the due process complaint procedures covered earlier in this document.

If you wish to file a complaint with the California Department of Education, you should submit your complaint in writing to:

California Department of Education  
Special Education Division  
Procedural Safeguards Referral Service  
1430 N Street Suite 2401  
Sacramento, California 95814 Attn: PSRS Intake

Within 60 days after a complaint is filed, the California Dept. of Education will: carry out an independent investigation, give the complainant an opportunity to provide additional information, review all information and make a determination as to whether the LEA has violated laws or regulations and issue a written decision that addresses each allegation. For complaints involving issues not covered by IDEA, consult your district's Uniform Complaint Procedures.

The district would like to work with you to resolve all complaints at the local level whenever possible. We invite you to meet with the administrator who has been designated to work with compliance

issues and attempt to resolve your concern informally before a complaint is filed. She/he will maintain confidentiality as permitted by law. If your complaint cannot be resolved, a formal investigation will be initiated, or you will be referred to the appropriate agency for assistance.

### ***Due Process Hearing***

Both parents/guardians and the LEA have the right to request an impartial due process hearing regarding the identification, evaluation, educational placement, or the provision of FAPE for a student. ADR is in place to minimize the use of this option and to encourage parents and LEAs to come to an agreement before the issue escalates to this level.

The request for a due process hearing must be filed within two years from the date you knew or had reason to know of the facts that were the basis for the hearing request.

There is an exception to this timeline if you were prevented from requesting the hearing earlier because:

- a) the district misrepresented that it had resolved the problem
- b) the district withheld information that should have been provided to you

### ***Due Process Rights***

You have a right to:

1. Have a fair and impartial administrative hearing at the state level with a person who is knowledgeable of the laws governing special education and administrative hearings
2. Be accompanied and advised by an attorney and/or individual who has knowledge about children with disabilities
3. Present evidence, written arguments, and oral arguments
4. Confront, cross-examine, and require witnesses to be present

5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions
6. Have your child present at the hearing
7. Have the hearing be open or closed to the public
8. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten calendar days prior to the hearing
9. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five business days before a hearing.
  
10. Have an interpreter provided at the expense of the California Dept. of Education
11. Have a mediation conference at any point during the due process hearing
12. Receive notice from the other party, at least ten days prior to the hearing that it intends to be represented by an attorney.

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as a part of the costs to you as the parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be awarded following the conclusion of the administrative hearing with the agreement of the parties.

Fees may be reduced for any of the following:

The court finds that you unreasonably delayed the final resolution of the controversy.

The hourly attorneys' fees exceed the prevailing rate in the community for similar services by attorneys of reasonable comparable skill, reputation, and experience.

The time spent and legal services provided were excessive;  
or

Your attorney did not provide the school district with the appropriate information in the due process complaint

Attorneys' fees will not be reduced, however, if the court finds that the state or the school district unreasonably delayed the final resolution of the action or proceeding or there was a procedural safeguards violation.

Attorneys' fees may not be awarded relating to any meeting of the IEP team unless an IEP meeting is convened because of a due process hearing proceeding or judicial action. Attorney fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten days before the hearing begins and the hearing decision is not more favorable than the settlement offer.

### ***Filing a Written Due Process Complaint***

To file for mediation or a due process hearing, contact:

Office of Administrative Hearings  
Attn: Special Education Division  
2349 Gateway Oaks Drive, Suite 200  
Sacramento, CA 95814  
Phone: (916) 263-0880  
Fax: (916) 263-0890

You need to file a written request for a due process hearing. The written notice shall be kept confidential. You or your representative need to submit the following information in your request:

1. Name of the child.
2. Address of the residence of the child.
3. Name of the school the child is attending; and

4.A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s).

State law requires that either party filing for a due process hearing must provide a copy of the written request to the other party.

### ***Child's Placement While Due Process Proceedings are Pending***

According to the "stay put" provision of the law, a child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission to a public school, your child will be placed in a public-school program with your consent until all proceedings are completed.

### ***Opportunity for District to Resolve the Complaint***

If you choose to file a due process complaint as explained in the section entitled "Filing a Written Due Process Complaint," a meeting must be scheduled by the district within 15 days of receiving the notice of your due process complaint. The purpose of the meeting is to give you the opportunity to discuss your due process complaint and the facts on which you based your complaint so that the district has a chance to address your concerns and work with you to reach a resolution. This meeting must be held before the initiation of a due process hearing unless you and the school district agree in writing to waive the meeting and use the mediation process. The meeting must include the parents and other members of the IEP team who have specific knowledge of the facts. The district has 30 days from the receipt of the due process complaint to resolve the due process complaint or the due process hearing may occur. These timelines are expedited if you request a hearing regarding pending disciplinary action.

If you fail to participate in the resolution session, the district may (after 30 days) seek dismissal of your complaint.

If the school district fails to convene or participate in a resolution session meeting within 15 days of receiving your complaint, you may ask a hearing officer to begin the due process timeline.

If the parents and the district are unable to resolve the due process complaint and it goes to hearing, the hearing decision is final and binding on both parties. Either party can appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision.

## **FREQUENTLY ASKED QUESTIONS**

1. How do I know if my child needs a special program?

If your child has a demonstrated learning difficulty which prevents functioning effectively in a regular school program with special assistance, then your child might benefit from special education services.

2. If I have a child with disabilities, at what age do I notify the district that my child may need a special program?

A child with intensive needs may be eligible at birth. Notify the Special Education Office (971-7525).

3. If my child has special problems that I am concerned about, where do I first seek help?

Contact your school principal. If your child is not yet attending school, call the Special Education Office (971-7525).

4. When would a referral for special education be appropriate?

After the resources of the regular education program have been considered and, where appropriate, utilized without success.

5. How will I know if my child is eligible for special education services?

A child's eligibility is determined by the Individualized Education Program (IEP) team following an assessment.

6. Who determines my child's special education needs?

The IEP team, of which you are a member, will determine your child's needs.

7. Will my child participate in regular school programs?

A goal of special education is to include special needs students in the regular program as much as possible.

8. How long will my child receive special education?

Annual evaluations and IEP meetings will be conducted to determine your child's need for special education.

9. If I am not happy with my child's present progress in school, whom do I contact? If I still do not feel the situation has been satisfactorily resolved, to whom should I speak?

First, contact your child's teacher and/or the principal. If you need further information, contact your special education program specialist at the Special Education Office (971-7525).

10. If I am not happy with my child's special education placement, what can I do?

First, contact your child's special education teacher. If you need additional help, you may request a review by the IEP team to consider your concerns, conduct needed assessments and, if appropriate, modify your child's IEP.

11. What if my child's physical impairment or health problem causes him/her to miss school regularly?

Your child's teacher, the principal and a school nurse working with the special education programs will work with you to plan an appropriate program. If there is an extended absence, home instructors are available.

12. Under what circumstances will my child receive special transportation?



Special arrangements will be made if the IEP team determines that age, disability, or distance prevents your child from walking, using the regular school bus or public transportation.

13. What if my child needs to be given medication at school?

Medication can be given by the school office personnel with written medical authorization from a physician and you. A medication authorization release form must be on file in the school office.

14. If I feel my child needs special counseling, what can I do?

Contact your child's teacher, principal, or the district's Counseling Center (971-7640) for information.

15. What kind of vocational training can my child receive?

Special education vocational training classes are held at the high school level and include career exploration, practical experience, and on-the-job training.

16. Is there a preschool program available?

Yes, there are programs available for infant stimulation, mobility training, severely handicapped, hearing impaired, speech impaired and visually impaired children. Contact the Special Education Office for details (971-7525).

17. Must parents pay for any special education services?

All special education and related services are provided at public expense, under public supervision and direction and without charge. However, the Education Code allows a district to seek reimbursement for the costs of related services from the parent's insurance company.

18. If I want to visit my child's school program or classes, or want a conference, what procedure do I follow?

Call your school's principal to arrange a convenient time for both you and the teacher.

19. Will my child receive a report card?

Your child will receive a progress report, report card or you will be invited to a parent/teacher conference. You will also receive updates on how your child is progressing toward meeting the annual goals specified in the IEP.

20. Who do I contact if I want to do volunteer work for special education?

Contact the principal or special education teacher at your local school.

21. Are students who reside outside of the San Juan Unified School District boundaries eligible for special education services in the San Juan Unified School District?

Students who reside in another district outside the San Juan District boundaries are guaranteed special education programs in their district of residence. Special education is guaranteed only to students in the district who reside within the boundaries of the district. There are occasions when students from other districts receive service in the San Juan District, but that decision involves a special agreement between districts when a specific program does not exist within a district.

22. What transition services are available for children with special needs?

Beginning not later than the first IEP to be in effect when the child turns 16, the IEP will include appropriate postsecondary goals

based upon age-appropriate transition assessments and the transition services needed to assist the child in reaching those goals. Transition goals will relate to training, education, employment, and independent living skills, as appropriate.

**For more information**

**Website: <https://www.sanjuan.edu/academics/special-education>**

## **NOTES**

