VENTURA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)
Joanna V. Della Gatta, Assistant
Superintendent 5100 Adolfo Road,
Camarillo, CA 93012
(805) 437-1560, FAX (805) 437-1599, www.vcselpa.org

PARENT AND ADULT STUDENT RIGHTS AND PROCEDURAL SAFEGUARDS FOR SPECIAL EDUCATION

These are your rights under state and federal law, as guaranteed under the Individuals with Disabilities Act (IDEA) – PL. 108-446 and related California Education Code. This document is for parents of students aged 3-18 years old who are being considered for or are receiving special education services. These rights apply to all foster parents and surrogate parents (appointed by the School District) acting on behalf of a special education student or a student being considered for special education. These rights are also for enrolled special education students between the ages of 18-22 years old who have not yet obtained a high school diploma.

I. GENERAL RIGHTS

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

B. To be eligible for this program, a child must be evaluated and found to have one of the following disabilities and **need special education and/or related services.**
- Autism
- Deaf-blindness
- Emotional Disability
- Hearing impairment (including deafness)
- Intellectual Disabilities
- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Speech or language impairment
- Specific learning disability
- Traumatic brain injury
- Visual impairment
- Established Medical Condition (preschool only)

C. You have the right to receive this notice in your native language, unless it clearly is not feasible to do so, and written in an easily understandable manner. If your native language or other mode of communication is not a written language, the notice is to be translated orally or by other means to you. The local education agency ("district") shall take steps to ensure that you understand the content of the notice and shall ensure that written evidence exists that these requirements have been met.

D. The notice of Procedural Safeguards is required under IDEA and must be provided to you when:
- You ask for a copy.
- The first time your child is referred for a special education assessment.
- Each time you are given an assessment plan to evaluate your child.
- Upon receipt of the first state or due process complaint in a school year, and
- When the decision is made to make a removal that constitutes a change of placement.

II. RIGHTS RELATED TO PARENTAL NOTICE

A. Written prior notice to the parents of the child is required whenever the district proposes to initiate or change or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education.

B. The notice shall include a description of the action proposed or refused by the district, an explanation of why the agency proposes or refuses to take the action, a description of any other options that the agency considered and the reasons why those options were rejected. It also will include a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action, a description of any other factors that are relevant to the district's proposal or refusal, and a statement that the parents of a child with a disability have protections under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA). The notice will also include sources for parents to contact to obtain assistance in understanding the provisions of this part. It will also note a description of other options that the IEP team considered and the reasons those options were rejected (20USC 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 *CFR* 300.503.

C. The notice may be provided via the IEP or in a separate format.

III. RIGHTS RELATED TO ASSESSMENT & REEVALUATION

A. Parents have the right to initiate a referral of their child for special education services.

B. If the district decides to assess, the parent shall be given, in writing, a proposed Assessment Plan within 15 calendar days of the referral for assessment, not counting days between school sessions or days of school vacation in excess of 5 school days, from the date of receipt of the referral. An Assessment Plan shall be developed within 10 days after the start of the new regular school year when a referral was made 10 days or less prior to the end of the regular school year. For pupil school vacations, the 15-day timeline continues when the regular school year reconvenes.

C. The Assessment Plan shall be provided in the native language of the parent, unless it is clearly not feasible to do so, and shall explain the areas of assessments to be conducted, the assessors, and the facts which make an assessment necessary or desirable.

D. Parents must give their written consent for an initial assessment to determine if their child qualifies as a child with a disability.

E. The parent shall have at least 15 calendar days from receipt of the proposed Assessment Plan to provide written consent. Assessment may begin immediately upon receipt by the district of the signed Assessment Plan.

F. If a parent refuses to provide consent for assessment, the district may continue to pursue an assessment by utilizing the mediation and due process procedures described later in this document.

G. If the district declines a parent request for assessment, notice shall be given in writing within 15 days of the parent written request. Notice shall include an explanation of why the district does not think assessment is needed including all elements of Notice Specified in Section II of this document.

H. Testing and assessment materials and procedures for evaluation and placement of children with disabilities will be selected and administered so as not to be racially, culturally, or sexually discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless clearly not feasible and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

I. Parents have the right to initiate Due Process if they disagree with the district on the issue of assessment.

J. A copy of the assessment report and the documentation of determination of eligibility shall be given to the parent or guardian. As part of initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, shall review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related services providers' observations. On the basis of that review, and input from the child's parents they should identify what additional data, if any, are needed to determine: whether the child has a disability; (or in the case of a reevaluation, whether the child continues to have such a disability); the present levels of performance and educational needs of the child; whether the child needs special education and related services; and whether any additions or modifications to the special education and related services are needed to enable the child to meet the annual goals set out in the child's

Individualized Education Program and to participate, as appropriate, in the general curriculum.

K. A student must not be determined to be a child with a disability if the child does not meet eligibility criteria. Nor shall they be determined to be a child with a disability if the determinant factor for that determination is: (1) lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA); (2) lack of appropriate instruction in math; or (3) limited English proficiency.

L. A reevaluation of each child with a disability shall be conducted at least once every three years or if conditions warrant or if the child's parent or teacher requests a reevaluation.

M. The purpose of reevaluation is to determine ongoing eligibility and educational needs.

N. If members of the IEP Team including the parents and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, the district shall notify the child's parent of that and the reasons for it, and the right of the parent to request an assessment to determine whether the child continues to be a child with a disability. If the district feels it is necessary to conduct an assessment for reevaluation and is not able to get parent consent after reasonable attempts to do so, the district may proceed with assessment.

O. Vision and hearing screening will be conducted at the intervals specified in California Education Code and/or within one year of Reevaluation, unless the parent denies permission.

IV. INDEPENDENT EDUCATIONAL EVALUATIONS

A. Parents have the right to obtain one Independent Educational Evaluation (IEE) of their child at public expense for each evaluation conducted by the district if they disagree with an evaluation obtained by the district within no more than two years. The district shall provide to parents, on request, information about where an IEE may be obtained. If a parent requests an IEE at public expense, the district must either initiate a due process hearing to show that its evaluation is appropriate or ensure an IEE is provided at public expense. If the district prevails at the due process hearing, the parent still has the right to an IEE, but not at public expense.

B. The assessment tools used by an independent education evaluator must be individually selected for your child and must be administered by competent professionals.

C. Testing and evaluation materials and procedures must be selected and administered so as not to be racially, culturally, or sexually discriminatory.

D. The materials or procedures must be provided and administered in your child's native language or mode of communication unless it clearly is not feasible to do so.

E. No single procedure shall be the sole criterion for determining an appropriate educational program for a child.

F. IEEs must meet requirements for location, qualifications, costs and assessment instruments set forth by SELPA.

G. If the parent or guardian obtains an IEE at private expense, the results of the assessment shall be considered by the public education agency with respect to the provision of free appropriate public education to the child, and may be presented as evidence at a due process hearing.

H. If the district observes the student in his or her classroom during an assessment, or if the district would have been allowed to observe the student, an individual conducting an IEE must also be allowed to observe the classroom. If the school district proposes a new school setting for the student and an IEE is being conducted, the independent assessor must be allowed to first observe in the proposed new setting.

I. The district shall conduct a reevaluation of a student with a disability before determining that the student no longer meets the criteria for eligibility as a child with a disability.

J. The district must re-evaluate students transferring in from out of state if determined to be necessary.

K. Screening by a teacher or specialist to determine instructional strategies for implementation of the curriculum is not considered evaluation for eligibility purposes and does not require parent permission.

V. RIGHTS RELATED TO THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM MEETING

A. Upon completion of a special education assessment, an (IEP) team meeting, including the parent or guardian and representatives, shall be convened to review the results of the assessment(s) to determine whether your child is an individual with exceptional needs and to

develop an IEP, as warranted. An IEP required as a result of an assessment of a child shall be developed within a total time not to exceed 60 days, not counting days between the child's regular school sessions, terms or days of school vacation in excess of five school days, from the date of receipt of the parent's written consent for assessment.

B. If the timeline is interrupted by a school vacation, the 60-day time shall recommence on the date that pupil school days reconvene.

C. If a referral has been made 30 days or less prior to the end of the regular school year, an IEP shall be developed within 30 days after the commencement of the subsequent regular school year as determined by each district's school calendar.

D. Parents have the right to participate in meetings on the identification, evaluation and educational placement of their child and be informed of all program options, including alternative public and private programs.

E. Parents are entitled to receive written notice of the proposed meeting, including meeting purpose, and shall be notified early enough to ensure the opportunity to attend.

F. The IEP Team meeting shall be arranged at times and places mutually agreeable to the parent and the district.

G. Parents have the right to be a member of the IEP Team, and to present information to the team in person or through a representative.

H. The district shall take whatever action is necessary to ensure that the parents understand the proceedings at a meeting and are able to participate in any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English.

I. Parents may designate another adult to represent the educational interests of the child. This may be done for one meeting only by indicating the name of the representative on the IEP Meeting Notice, or on a long-term basis by filling out the "Designation of Educational Representative" form. *(Available on the SELPA website)*

J. Parents have the right to an IEP team which includes the student's present teacher, a representative of the district, one or both parents and a general educator if the student is or may be participating in the general educational environment. Also present, as appropriate, may be the student and other individuals at the request of parents or education agency who possess necessary expertise or knowledge. If the student has been assessed, a person who is qualified to interpret the results shall be present. If the student is suspected of having learning disabilities, at least one member of the team, other than the teacher, shall have observed the pupil in an appropriate educational setting.

K. If the IEP will discuss transition to adult life, the student must be invited to participate in transition planning. However, if the student is not yet 18, parents can decide whether or not he/she attends all or part of the meeting.

L. Parents have the right to include as members of the IEP Team other individuals who have knowledge or special expertise regarding their child.

M. As long as the team is made up of the required members, parents may not require that a specific individual be in attendance.

N. A required IEP team member whose area *will not* be discussed may be excused from all or part of the meeting with written permission of district and parent.

O. An IEP team member whose area *will* be discussed may be excused from all or part of the meeting with written district and parent permission but must submit a written report prior to the meeting in lieu of attendance.

P. If a special education student is placed in a non-public school, any IEP meetings may be convened by the non-public school in cooperation with the placing district. However, the placing district retains full responsibility for compliance with state and federal law.

Q. The IEP meeting shall be non-adversarial and conducted solely for the purpose of making educational decisions about the student.

R. For children with disabilities aged 3 through 5, an Individualized Family Service Plan may serve as the IEP if agreed to by the district and the child's parents.

S. Parents shall be given a copy of the IEP at no cost, and a copy of the IEP shall be provided in the primary language at the request of the parents.

T. The IEP and placement of the student will be reviewed at least once each year by the IEP team.

U. Parents have the right to request a review by the IEP Team. A meeting of the IEP Team requested by a parent shall be held within 30 days, not counting days between the student's regular school

sessions, terms or days of school vacation in excess of five school days, from the date of receipt of the parent's written request.

V. Parents and the district have a right to make an audiotape recording of the proceedings of the IEP Team meeting by giving 24 hours' notice to the IEP Team of the intent to tape the meeting. If the district initiates notice of the intent to audiotape the meeting and the parent objects or refuses to attend, then the meeting shall not be tape recorded by either party.

W. The IEP may be held by teleconference, if all parties agree.

X. Written consent of the parent is required before any program placement or special education services may begin.

Y. The parent may refuse consent to the initial placement of their child in special education. The district may not pursue Due Process on the issue of initial placement. Any time after the initial provision of special education and related services, a parent or an adult student may revoke consent **in writing** for the continued provision of services and supports. This revocation would include **all** special education services. The district may not continue to provide services but must provide written notice before ceasing services indicating when the services will cease. An IEP meeting is not required. The district may not use mediation or due process procedures to obtain agreement or a ruling that the services must be provided. If consent is revoked for special education services, the district is not required to amend the child's education records to remove any reference to receipt of special education and related services. Additionally, if you revoke consent for special education services, the child will be subject to the same disciplinary guidelines as any other student in the district. If a parent or adult student decides to re-refer the student for services, the district will respond within 15 days. According to the law, the district has an additional 60 days to conduct assessment and hold an IEP at which time eligibility and services will be considered.

Z. On review of the IEP, the parent may consent to all or part of the new proposed IEP. Those parts that are agreed upon will be implemented. If the district determines that a part of the proposed special education program to which the parent does not consent is necessary to provide a free and appropriate public education to the child, a due process hearing shall be initiated unless a prehearing mediation conference is held. If parents believe a change to the IEP is necessary, or disagree with a change proposed by the district, the parents may file for Due Process.

VI. RIGHTS RELATED TO THE CONTENTS OF THE IEP

A. The IEP will contain these elements:
- The strengths of the child and
- The concerns of the parents about their child's education, and
- The results of the most recent evaluations, and
- The student's present levels of academic achievement and functional performance, and
- The academic, developmental and functional needs of the student, and
- A statement of how the disability affects involvement and progress in the core curriculum (or for preschoolers, how it affects participation in appropriate activities), and
- Measurable annual goals. For students who participate in alternate assessments, benchmarks or short-term objectives are also required, and
- A statement of how progress toward goals will be measured, as well as when periodic reports will be given to the parents, and
- Special education, related services and supplementary aides and services, and
- An explanation of the extent, if any, to which the student will not participate with children without disabilities in the general education classroom, and
- Accommodations or modifications needed for district and statewide assessments. If the student cannot participate in the regular assessment, the reasons why and the alternate assessment selected, and
- The projected date for beginning the services.

B. The team will also consider as appropriate:
- Behavior impeding learning of self or others, and/or
- Language needs of a limited English proficient student, and/or
- Braille for students who are blind or visually impaired and/or
- Communication needs of the child, including the child who is deaf or hard of hearing, and/or

- The need for assistive technology devices (does not include surgically implanted devices).

For additional elements included in the planning for transition to adult life, see Section VI (For students aged 15 and older)

C. Parents shall be informed of free, appropriate public education and all available alternative options, both public and non-public, per the Local Plan and Interdistrict Charts.
D. Special Education services mean specially designed instruction, at no cost to the parents, to meet the unique needs of the student with a disability.
E. These services may be provided in general education classes, special classes, special schools, the home, hospital, or institutions. Children with disabilities have the right to be educated with children without disabilities to the maximum extent appropriate. This means the right to placement in the least restrictive learning environment that will also address their special education needs.
F. Extended school year services must be made available if the IEP team determines that they are necessary for the provision of a free, appropriate public education.
G. The description of the student's overall program will include the location and type of services, but not specific individuals or classes.

VII. TRANSITION TO ADULT LIFE

A. Starting no later than the first IEP to be in effect when the student turns 16, planning for transition to adult life will be included in the IEP process.
B. Transition assessments will be conducted to determine the student's desired outcomes in the areas of education and training, employment, and as appropriate, independent living.
C. Measurable goals for the student's desired outcomes for life after public school will be written.
D. Annual goals will be developed as appropriate to address the desired outcomes.
E. Necessary transition services to address the annual goals will be specified.
F. No later than one year before the student turns 18, the IEP will include a statement that the student will be informed that all special education rights will transfer to him or her upon reaching 18. *See Rights of Adult Students in this document, Section VIII.*

For more information about transition, see our website "For Families/Transition to Adult Life."

VIII. RIGHTS RELATED TO STUDENT RECORDS

A. Parents have the right to receive notice in their native language which includes a summary of the policies, procedures and rights related to personally identifiable information, including the rights under the Family Educational Rights and Privacy Act of 1974 (FERPA). The following information meets this requirement.
B. The district shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the agency.
C. Parents shall have the right and opportunity to examine all school records of their child and to receive copies within 5 business days after such request is made, either orally or in writing and before any meeting regarding an IEP or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education.
D. A district may charge no more than the actual cost of reproducing such records, but if the cost effectively prevents the parent from exercising the right to receive such copy or copies, the copy or copies shall be reproduced at no cost.
E. The parent's right to inspect and review the educational records of their child includes the right to a response from the district to reasonable requests for explanations and interpretations of the records and the right to have a representative of the parent inspect and review the records.
F. The district may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.
G. The parent may file a written request with the superintendent of the district to correct or remove any information recorded in the written records concerning his or her child which the parent alleges to be any of the following: (a) inaccurate; (b) an unsubstantiated personal conclusion or inference; (c) a

conclusion or inference outside of the observer's area of competence; (d) not based on the personal observation of a named person with the time and place of the observation noted, (e) misleading; (f) in violation of the privacy or other rights of the pupil.

H. Within 30 days of receipt of a request as described above, the superintendent or superintendent's designee shall meet with the parent and the certificated employee who recorded the information in question, if any, if the employee is presently employed by the district. The superintendent shall then sustain or deny the allegations. If the superintendent sustains any or all of the allegations, he or she shall order the correction or the removal and destruction of the information. However, the superintendent shall not order a student's grade to be changed unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade.

I. If the superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent may, within 30 days of the refusal, appeal the decision in writing to the governing board of the district.

J. Within 30 days of receipt of an appeal, the governing board shall, in closed session with the parent and the certificated employee who recorded the information in question, if any, if the employee is presently employed by the district and determine whether or not to sustain or deny the allegations. If the governing board sustains any or all of the allegations, it shall order the superintendent to immediately correct or remove and destroy the information from the written records of the pupil. However, the governing board shall not order a student's grade to be changed unless the teacher who determined the grade is, to the extent practicable, given the opportunity to state orally, in writing, or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade. The decision of the governing board shall be final.

K. Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing board unless the parent initiates legal proceedings relative to the disputed information within the prescribed period.

L. If the final decision of the governing board is unfavorable to the parent, or if the parent accepts an unfavorable decision by the district superintendent, the parent shall have the right to submit a written statement of his or her objections to the information. This statement shall become part of the pupil's school record until the information objected to is corrected or removed.

M. Parental consent must be obtained by the district before personally identifiable information is disclosed or released to other agencies.

N. School district officials can release confidential educational information to an agency caseworker or another representative of a state or local child welfare agency or tribal organization that has the legal responsibility for the care and protection of the student, without parent permission.

For more information regarding Family Educational Rights and Privacy Act (FERPA) visit https://studentprivacy.ed.gov/faq/what-ferpa

IX. RIGHTS OF ADULT STUDENTS

A. When a student with a disability reaches the age of 18, the age of majority in California, (except for a student with a disability who has been determined to be incompetent under State law) the district shall provide any required notices to both the individual and the parents.

B. At the age of 18, all other rights accorded to the parents under the IDEA transfer to the child. The district shall notify the individual and the parents of the transfer of rights. All rights accorded to parents under the IDEA transfer to students who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

C. An adult student with a disability may appoint another adult to represent him or her in educational matters, if desired.

X. PARENT SURROGATES

A. The district shall ensure that procedures are established and maintained for the assignment of an individual to act as a surrogate for the parents in all special education matters whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents,

or the child is a ward of the State and the parents have had their educational rights removed by a court of law.

B. If the child lives in a foster home, and the parents have had their educational rights removed, the foster parent may fulfill the role of "parent" for educational purposes as long as the child resides in the home. A foster parent shall include a person, relative caretaker, or nonrelative extended family member who has been licensed or approved by the county welfare or probation department or the State Department of Social Services or who has been designated by the court as a specified placement. A foster parent does not have to be designated as a surrogate.

C. The individual appointed to act as a surrogate shall not be an employee of the state education agency, the district, or any other public or private agency that is involved in the education or care of the child. The surrogate shall have no interest that conflicts with the interest of the child he or she represents and shall have knowledge and skills that ensure adequate representation of the child. An individual who would have a conflict of interest means a person having any interest that might restrict or bias his or her ability to advocate for all of the services required to ensure a free appropriate public education for the child with a disability.

D. As far as practical, a surrogate parent should be culturally sensitive to his or her assigned child.

E. When appointing a surrogate, the district shall, as a first preference, select a relative caretaker or a court appointed special advocate, if one of these individuals exist and is willing and able to serve. If not, the district shall select the surrogate of its choice. If the child is removed from the home of the relative caretaker who has been appointed as a surrogate, the district shall appoint another surrogate.

F. Except for individuals who have a conflict of interest in representing the child, individuals who may serve as surrogates include, but are not limited to, retired teachers, social workers, and probation officers who are not employees of a public agency involved in the education or care of the child. If a conflict of interest arises subsequent to the appointment of the surrogate, the district shall terminate the appointment and appoint another surrogate.

G. The surrogate shall serve as the child's parent and shall have all rights regarding the child's education that a parent has as specified in the IDEA. A surrogate may represent a child with a disability in matters relating to identification, assessment, instructional planning and development, educational placement, and/or reviewing and revising the Individualized Education Program, and in other matters relating to the provision of a free, appropriate public education to the individual. This representation shall include the provision of written consent to the IEP including nonemergency medical services, mental health treatment services and occupational or physical therapy services. The surrogate may sign any consent relating to IEP purposes.

H. A surrogate shall not be appointed for a child who is a dependent or a ward of the court unless the court specifically limits the right of the parent or guardian to make educational decisions for the child or for a child who has reached the age of majority unless the child has been declared incompetent by a court of law.

I. A surrogate shall be held harmless by the State of California when acting in his or her official capacity except for acts or omissions which are found to have been wanton, reckless, or malicious.

A flowchart of the Parent Surrogate process and necessary forms are available at the SELPA office.

XI. USE OF MEDICAID/MEDICAL PUBLIC BENEFITS

A. You must give consent before the district may access your child's MediCal benefits to pay for certain special education related services.

B. The district does not need to ask for your permission again unless the type, cost or amount of services changes.

C. There will be no cost to you if the district accesses your child's MediCal benefits. It will not impact your child's available lifetime coverage, result in your having to pay any co-pays or for other services that would otherwise be covered by the public benefits which are required by your child outside school, increase premiums or discontinue benefits, or risk loss for home and community-based waivers.

D. You have the right to withdraw your consent for the district to use your child's name access MediCal benefits at any time. If you do this, the district will continue to be responsible to provide all services specified in your child's IEP.

XII. Support for Families

A. Background

The Family Empowerment Centers (FECs) were established in Chapter 690 of the Statutes of 2001 (Senate Bill 511, Alpert), enacted as Education Code (EC) 56400-56415. The FECs provide services to families with children with disabilities ages three to twenty-two.

The intent of the Legislature is to ensure that parents, guardians, and families of children and young adults with disabilities have access to accurate information, specialized training, and peer-to-peer support. The FECs aim to assist parents to better understand their child's educational and developmental needs, effectively communicate with service providers, serve as a resource for the individual education plan process, participate in school reform and improvement activities, promote alternative dispute resolution, and support positive relationships between parents and professionals. Services available through each FEC vary based on the needs of the community.

B. FEC Contact and Service Information

For the most current FEC contact information, visit the CDE, Special Education California Parent Organizations web page at https://www.cde.ca.gov/sp/se/qa/caprntorg.asp.

Ventura Rainbow Connection Family Resource and Empowerment Center: https://rainbowconnectionfrc.weebly.com/

XIII. PROCEDURES FOR RESOLVING DIFFERENCES

A. Voluntary Pre-Hearing Mediation ("Mediation Only")

1. Parents may choose to participate in Mediation Only by filing the "Mediation Only Request Form." If this is requested before filing a Request for Mediation and Due Process Hearing, it is not considered to be part of the Due Process Hearing process, and attorneys and legal advocates cannot be present.
2. Either party may decide to participate in Mediation Only. Mediation Only is voluntary, and if one of the parties declines to participate, it will not occur.
3. The Mediation Only conference will be scheduled within 15 days of the request. *The "Mediation Only Request Form" is located on our website www.vcselpa.org under For Families; Parent Rights.* You may also access the forms at

B. Due Process

1. NOTICE OF DUE PROCESS COMPLAINT

a. A parent or a public agency may file a Request for Mediation and Due Process Hearing if they disagree with any matters relating to the identification, assessment or educational placement of a student with a disability and would like to initiate Due Process.
b. The Notice must be filed no later than two years after the parent or public agency knew or should have known about the alleged violation. (For complaints alleging violations after October 9, 2006)
c. The two-year time limit does not apply to the parent if they were prevented from filing a Request for Mediation and Due Process Hearing due to specific misrepresentation by the district that it has resolved the problem which is the basis of the complaint, or due to the district's withholding of information from the parent that was required to be provided.
d. The Request must include these elements:
   - The child's name, address and school (if the child is "homeless" according to the McKinney-Vento Homeless Act, available contact information must be provided)
   - A description of the problem, including facts
   - A proposed resolution of the problem
e. The Request must be sent to the State Superintendent of Public Instruction, with a copy provided to all other parties named. (Office of Administrative Hearings (OAH), Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA, 95833,
Telephone: (916)263-0880, Fax (916) 376-4207

f. Either parents or district may challenge the sufficiency of the Request.
g. The Request will be deemed to be sufficient unless the party receiving the Request notifies the Administrative Law Judge (ALJ) and the other party within 15 days of receipt that it believes the Request does not contain the required elements (above).
h. Within five days of receipt of notification from either party that the Request is not sufficient, the ALJ will make a decision on whether the complaint contains the required elements.
i. The party filing the Request does not have the right to a Due Process Hearing if the Request does not contain the required elements.
j. A party may amend its Request only if the other party consents in writing and a Resolution Session is held, or if permitted by the ALJ, but not later than five days before a Due Process Hearing occurs. In case of amendment of the Request, all timelines start over.
k. If a party files an amended Request for Mediation and Due Process Hearing, the timelines for the Resolution Session begin again.
l. If the district has not given the parent written notice about the subject matter contained in the parent's Request, the district must, within 10 days of receiving the Request, give the parent a written response (known as "Other Party Response") that contains all the elements in Section II of this document.

The "Mediation and Due Process Hearing" Request Form is located on our website www.vcselpa.org under For Families; Parent Rights. You may also access https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Request-for-Mediation-and-Due-Process-Hearing-Form

2. RESOLUTION SESSION

a. Within 15 days of receiving the parent's Request for Mediation and Due Process Hearing, and prior to initiation of a Due Process Hearing, the district must convene a meeting with the parent and the relevant members of the IEP team who have specific knowledge of the facts identified in the Request. The members are determined by the parent and district.
b. The meeting must include a representative of the district who has decision-making authority. The district may not have an attorney present unless the parent is accompanied by an attorney.
c. The purpose of the meeting is to try to resolve the issues specified in the Request.
d. Unless both parties have agreed to waive the Resolution Session or agreed to participate in Mediation, the failure of the parent to participate in the Resolution Session will delay the timelines for the Due Process Hearing until the Resolution Session is held. If, after reasonable efforts, the district is unable to get the parents to participate in the Resolution Session within 30 days, the district may request the ALJ to dismiss the Request.
e. If the district fails to hold the Resolution Session within 15 days of receiving the Request from the parents, or fails to participate in the Resolution Session, the parent may ask the AJL to begin the Due Process Hearing timeline.
f. The 45-day timeline for Due Process Hearing begins if:
    - Both parties agree in writing to waive the Resolution Session; or
    - After the beginning of the Resolution period starts but before the end of the 30-day period, both parties agree in writing that agreement is not possible; or
    - The district has not resolved the issues in the Request to the satisfaction of the parents within 30 days; or
    - Both parties agree in writing to continue the Resolution or Mediation period, but one of the parties later withdraws from the process.
g. A written settlement agreement will be developed if agreement is reached in the Resolution Session. The agreement will be:
    - Signed by both the parent and the representative of the district with authority to commit the resources of the district, and
    - Enforceable in State or Federal court.
h. The agreement may be voided by either party within 3 business days of its execution.

3. MEDIATION (as part of Due Process)

a. Mediation as part of the Due Process will be completed within 30 days after receipt of the Request for Mediation and Due Process Hearing, unless both parties agree to a time extension.
b. The Mediation process is voluntary and may not be used to deny or delay a parent's right to a hearing or other rights afforded by the IDEA. Requesting or participating in a mediation conference is not a prerequisite to requesting a Due Process Hearing.
c. The Administrative Law Judge (ALJ) shall encourage the parties to a Hearing to consider Mediation as an alternative to a Hearing.
d. Mediation will be conducted by a qualified, impartial and trained Mediator.
e. Parents have the right to receive a copy of a Mediation request initiated by the district.
f. The Mediation session shall be scheduled in a timely manner and held in a location convenient to the parties.
g. Any agreement reached in Mediation shall be documented in a legally binding written Mediation Agreement.
h. Discussions in Mediation shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. The parties to the Mediation may be required to sign a confidentiality pledge prior to commencement of the process.
i. Written resolution of the Mediation will be mailed to the parent within ten days.

4. DUE PROCESS HEARING

a. The Due Process Hearing will begin within 30 days of the filing of the Request for Mediation and Due Process Hearing, ("Request"), if efforts at Resolution and Mediation have not been successful.
b. Parents have the right to a fair and impartial hearing at the state level. The Administrative Law Judge ("ALJ") appointed by the Calif. Dept. of Education ("CDE") will be trained and knowledgeable in the laws governing special education and administrative hearings and not an employee of the state or district.
c. The CDE will keep a list of all ALJs and their qualifications. The party requesting a Due Process hearing may not raise issues that were not raised in the original Request.
d. Upon receipt by the Office of Administrative Hearings or designees of the hearing request, all parties to the hearing shall immediately be notified of the request for the hearing and the scheduled hearing date. The notice shall advise all parties of all their rights relating to procedural safeguards and shall include a list of persons and organizations within the geographical area that can provide free or reduced cost representation or other assistance in preparing for the due process hearing.
e. Parents have the right to:
    - Be accompanied and advised by an attorney or others with special knowledge or training of students with disabilities.
    - Present evidence, written and oral arguments and confront, cross-examine and compel the attendance of witnesses.
    - Prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least five days before the hearing.
    - Obtain a written or (at the option of the parents) electronic verbatim record of the hearing.
    - Obtain written or electronic findings of fact and decisions.
    - Have the child who is the subject of the hearing present.
    - Open the hearing to the public.
    - Examine all school records of the child and receive copies as per Section VII of this document.
f. Each party must disclose to all other parties prior to the hearing:
    - (Within five business days) All evaluations completed by that date and recommendations it intends to use.
    - (Within five business days) A copy of all documents and a list of all witnesses and their general area of testimony.
    - (Within 10 days) A statement as to what the party believes are the issues to be decided at the hearing and the proposed resolution of those issues. Upon the request of a parent who is not represented by an attorney, a mediator will be provided to assist the parent in

identifying the issues and the proposed resolution of the issues.
- (Within 10 days) Whether or not they intend to be represented by an attorney.

g. Either party has the right to prohibit the introduction of any evidence that has not been disclosed to the other party within five business days of the hearing.
h. The ALJ may:
   - Question a witness on record before other parties do so.
   - With the consent of both parties, request that conflicting experts discuss an issue with each other on record.
   - Visit the proposed placement site(s) when the physical attributes of the site(s) are at issue.
   - Call a witness to testify if all parties consent or the hearing is continued for at least five days after the witness is identified and before s/he testifies.
   - Order an impartial assessment to be conducted, and the hearing postponed until it is completed.
   - Bar introduction of any documents and testimony of any witnesses not disclosed according to legal guidelines.
   - Call independent medical specialists.
   - Set a reasonable limit on the length of the hearing after considering the issues to be heard, the complexity of the facts to be proven, the ability of the parties (and their representatives if any) to present their cases, and the parties' estimate of the time needed.
i. If a parent or guardian proposes a publicly financed placement of the student in a nonpublic school, the district shall have an opportunity to observe the proposed placement and the student in the proposed placement, if the student has already been unilaterally placed in the nonpublic school by the parent or guardian. An observation shall only be of the student who is the subject of the observation and shall not include the observation or assessment of any other student in the proposed placement. The observation or assessment by the district of a student other than the student who is the subject of the observation may be conducted, if at all, only with the consent of the parent or guardian. The results of an observation or assessment of any other student in violation of this provision shall be inadmissible in a due process or judicial proceeding regarding the free appropriate public education of that other student.
j. The ALJ's determination of whether a child received a free, appropriate public education must be made on substantive grounds. In matters alleging a procedural violation on the part of the district, the ALJ would *not* consider the violation a denial of the child's rights unless it:
   - Impeded the child's right to a free, appropriate public education, or significantly impeded the parent's opportunity to participate in the decision-making process, or
   - Caused a deprivation of educational benefit to the student.

   The above criteria do not preclude an ALJ from ordering the district to comply with procedural requirements or ordering a compensatory remedy.
k. Parents may request Mediation at any point during the hearing process if both parties are willing to extend the forty-five-day limit for a period equal to the length of the Mediation process.
l. Each party to the hearing may request an extension of the timeline for the hearing. The extension shall be granted upon a showing of good cause.
m. During the pendency of the hearing and any judicial proceedings, unless the state or district and the parents agree otherwise, the student shall remain in the then-current educational placement, or, if applying for initial admission to a public school, shall with the consent of the parents, be placed in the public-school program until all such proceedings have been completed.
n. An ALJ may not render a decision that results in the placement or reimbursement for the placement, of a special education student in a nonpublic school or agency unless the school or agency has been appropriately certified.
o. In decisions related to the placement, the ALJ will consider cost, in addition to all other factors.
p. The Calif. Dept. of Education will ensure that a final written, reasoned, decision is reached in the hearing and a copy of the decision is mailed to each of the parties not later than 45 days

after the expiration of the 30-day Resolution/Hearing period.

q. The findings and decisions shall be made available to the public after any personally identifiable information has been removed.
r. The hearing decision shall be final and binding on all parties except that any party involved in such hearing may appeal the decision to a federal court as a civil action. An appeal shall be made within 90 days of receipt of the hearing decision.

5. ATTORNEY'S FEES

a. A court may award reasonable attorney's fees to the parent, guardian or student if:
   - The parent is the prevailing party in a due process hearing or subsequent judicial proceeding.
   - The parent is the prevailing party and was substantially justified in rejecting the settlement offer.

b. Reimbursement of reasonable attorney's fees may be awarded to the district if:
   - The attorney of the parents files a complaint that is frivolous, unreasonable, or without foundation.
   - The attorney of the parent continued to litigate after the litigation clearly became frivolous, unreasonable or without foundation.
   - The parent's request for Due Process Hearing was presented for an improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of the litigation.

c. Attorneys' fees may not be awarded and related costs may not be reimbursed for legal services performed subsequent to the time of a written offer of settlement to the parent if an offer was made within 10 days before the Hearing began, the offer was not accepted within 10 days, and the ALJ finds that the relief finally obtained by the parent is not more favorable than the offer of settlement.
d. Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless such meeting is convened as a result of an administrative proceeding or judicial action.
e. Fees awarded will be based on rates prevailing in the community in which the action arose.
f. The court shall reduce, accordingly, the amount of the attorneys' fees awarded whenever the court finds:
   - The parent or their attorney unreasonably protracted the final resolution of the controversy, or
   - The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience, or
   - The time spent and legal services furnished were excessive considering the nature of the action or proceeding, or
   - The attorney representing the parent did not provide the district the appropriate information required as part of the due process request.

XIV. STATE COMPLAINTS ALLEGING VIOLATION OF THE LAW

A. A complaint is different than due process. Due process is a system for resolving differences, while a complaint alleges a violation of the law. Examples of complaints would be an alleged failure to adhere to procedural requirements or to implement components of the IEP.
B. An individual may file a written complaint regarding the district's alleged violation of federal or state law with the superintendent of the district or the State Superintendent of Public Instruction with a copy to the district. Address complaint to the State Superintendent to: California Department of Education, Special Education Division, Procedural Safeguards Referral Service, Attn: PSRS Intake, 515 L Street, Suite 270, Sacramento, CA 95814, (800) 926-0648, Fax (916) 327-3704, https://www.cde.ca.gov/sp/se/qa/cmplntproc.asp.
C. A copy of the written resolution shall be received from the State Superintendent of Public Instruction within 60 days. The California Department of Education will carry out an independent investigation.

The "Request for Complaint Investigation" form is located on our website under For Families,

Dispute Prevention and Resolution Alternative Dispute Resolution https://www.vcselpa.org/For-Families/Dispute-Prevention-and-Resolution-Alternate-Dispute-Resolution or at http://www.cde.ca.gov/sp/se/qa/cmplntproc.asp.

XV. PAYMENT FOR EDUCATION OF CHILDREN ENROLLED IN PRIVATE OR NONPUBLIC SCHOOLS WITHOUT CONSENT OF OR REFERRAL BY THE DISTRICT

A. A district is not required to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made a free, appropriate public education available to the child and the parents elected to place the child in the private school or facility.

B. If the parents of a child with a disability who previously received special education and related services through the district enroll the child in a private school without the consent of or referral by the district, a court or ALJ may require the parent to be reimbursed for the costs of the placement if it is found that a free, appropriate public education had not been made available to the child in a timely manner prior to that enrollment.

C. If a parent unilaterally places their child in a nonpublic school and proposes the placement in the nonpublic school to be publicly financed, the school district must be given the opportunity to observe the proposed placement and the 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.

D. The cost of reimbursement may be reduced or denied if:
   (1) At the most recent IEP meeting the parents attended prior to removing the child from public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the district and did not state their intent to enroll their child in a private school at public expense, or
   (2) 10 business days (including holidays that occur on a business day) prior to removing a child from public school, the parents did not give written notice to the district of the information described in (1), or
   (3) Prior to the parents' removal of the child from public school, the district informed the parents of its intent to evaluate the child (with notice including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for the evaluation, or
   (4) There is a judicial finding that the actions taken by the parents were unreasonable.

E. The cost of reimbursement may not be reduced or denied if the parent failed to provide the notice as required in (1) and (2) above as a result of being illiterate and unable to write in English, or because providing such required notice would likely result in physical or serious emotional harm to the child, or the school prevented the parent from providing such notice, or the parents had not received procedural safeguards or otherwise been informed of the notice of the requirement to provide the information in (1) and (2) above.

F. The district in which the child and his family live is responsible for assessment for special education eligibility, regardless of the location of the private school.

G. If the district of residence offers a free, appropriate public education and the parents reject it and continue to enroll their child in a private school, the district has fulfilled its responsibilities.

H. Upon parent request, the district where the private school is located will develop an Individual Service Plan according to district guidelines. There are no due process protections to parents in development of the Individual Service Plan.

See the SELPA website under For Educators/Private Schools.

XVI. STUDENTS PLACED IN LICENSED CHILDREN'S INSTITUTIONS (LCI) OR FOSTER HOMES (FFH)

A. Students placed in a Licensed Children's Institution (LCI) or Foster Family Home (FFH) shall attend programs operated by the public schools unless one of the following applies:
   1. The student has an IEP requiring placement in a nonpublic school/agency.
   2. The parent or guardian, or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another education program, or to continue in his/her school of origin.

B. The school district will invite to the IEP team meetings a representative of the group home in those cases in which a student has been placed in a group home by juvenile court.

XVII. STATE SPECIAL SCHOOLS

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

XVIII. STUDENT DISCIPLINE

A. SUSPENSION

1. A special education student may be suspended for any of the acts listed in Calif. Education Code Section 48900 which occur on the school grounds, on the way to and from school, during lunch period whether on or off campus, and during or coming from any school-sponsored activity. Students may only be suspended for a first-time offense from EC Section 48900 (a)-(e), or if the student's presence causes a danger to others. Students may not be suspended for first-time offenses from EC Section 48900 (f)-(r). School administrators must try other means before suspending.
2. Suspension may be up to ten cumulative school days in a school year, with no special education services provided during the suspension.
   - No single suspension may exceed five school days.
   - A portion of a day of suspension counts as one school day.
   - Bus suspensions count as a day of suspension if transportation is specified on the IEP and alternative transportation is not provided.
   - An in-school suspension in which the student is able to progress in the general education curriculum, receive the services specified on the IEP and participate with peers without disabilities does not count as a day of suspension.
3. School personnel determine if there has been a "pattern" to the suspensions. Elements which are considered in determining whether or not there is a pattern include:
   - Length of each suspension.
   - Total amount of time suspended.
   - The proximity of the suspensions to each other.
   - Whether or not the behavior is substantially similar across incidents.
4. If the team determines there is not a "pattern," the student can continue to be suspended up to 20 days in a school year. School personnel, in consultation with the student's teacher(s) determine the extent that special education services are needed to enable the student to participate in the general education curriculum (although in another setting) and progress toward meeting their IEP goals.
5. If the team determines there has been a "pattern" to the suspensions, an IEP meeting is held within 10 school days and a Manifestation Determination Review must be conducted:
   - The IEP team determines which special education services are needed for any potential subsequent suspensions.
   - The team reviews all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parent.
   - The team considers the behavior across settings and time.
6. The team decides whether or not the behavior is a manifestation of the disability. It considers if:
   - Services were provided as per IEP.
   - The behavior had a direct and substantial relationship to the disability.
7. If services were **not** provided as per the IEP, steps must be taken to resolve this before suspending the student further, and the behavior is considered to be a **manifestation of the disability.**

8. If it was determined that the **behavior had a direct and substantial relationship to the disability**, it is considered to be a **manifestation of the disability** and the student must not be suspended further. The IEP team may decide to change aspects of the program including the school placement.
9. If services were provided as per the IEP and the behavior did **not** have a direct and substantial relationship to the disability, the behavior is **not** considered to be a manifestation of the disability and the student may continue to be suspended as any other student.
10. If the behavior is determined to be a manifestation of the disability, a Functional Behavior Analysis (FBA) of the student's behavior which led to the suspensions must be conducted, and a Comprehensive Behavior Intervention Plan (CBIP) or Positive Behavior Intervention Plan (PBIP) developed. If a behavior support plan already exists, the team should review it and revise as necessary. If the behavior is determined not to be a manifestation of the disability, a FBA/CBIP- PBIP should be considered (or revised). *See SELPA website For Educators/Behavior Interventions for the FBA, CBIP and PBIP forms and instructions.*
11. If the parent disagrees with the decision of the IEP team regarding the Manifestation Determination Review, the parent may initiate a Due Process Hearing. *See Section X*

B. **EXPULSION**

1. There are five violations of California Education Code that result in mandatory recommendation for expulsion. They are:
   - Possessing, selling or furnishing a firearm.
   - Brandishing a knife to another person.
   - Unlawfully selling a controlled substance.
   - Committing or attempt to commit sexual assault or sexual battery.
   - Possession of an explosive.
2. If a special education student is being considered for an expulsion, a Manifestation Determination Review must be conducted (see XII-A above) as part of an IEP meeting.
3. Parents must be immediately notified that the purpose of the IEP meeting is to consider expulsion and must receive a copy of these procedural safeguards. The meeting shall be held at a time mutually convenient to the parents and school officials, within the period, if any, of the student's pre-expulsion suspension. Each parent shall be given 48 hours' notice of the meeting. If required notice has been provided, the meeting may be held without parent participation, unless the parent requests postponement. A telephone conference call may substitute for a meeting.
4. A postponement may be for up to three additional school days. If a postponement has been granted, the district may extend any suspension of a pupil for up to three additional school days. If a postponement has been granted, the district may extend any suspension of a pupil for the period of postponement if the pupil continues to pose an immediate threat to the safety of himself, herself, or others and the district notifies the parent that the suspension will be continued during postponement. However, the suspension shall not be extended beyond 10 consecutive school days unless agreed to by the parent, or by a court order, with educational services recommencing as of the 11th day of any suspension. If a parent who has received proper notice of the meeting refuses a postponement, the meeting may be conducted without the parent's participation, if the required notice of the meeting was provided.
5. If there is no Behavior Plan in place, the IEP team will conduct a Functional Behavioral Assessment and develop a Positive Behavior Support Plan or Behavior intervention Plan.
6. If the IEP team determines through the Manifestation Determination that the behavior was NOT a manifestation of the disability, the team may recommend expulsion. If the team determines that the behavior WAS a manifestation of the disability, the team shall not recommend expulsion.
7. Special education students may be placed in an Interim Alternative Education Setting (IAES) if any of the following have occurred at school, on school premises, or at a school function under the jurisdiction of the district:
   - Carried or possessed a weapon.
   - Knowingly possessed or used illegal drugs or solicited the sale of a controlled substance.

- Inflicted serious bodily injury upon another person.

8. If none of the above violations occurred, the district may file a request for Due Process Hearing to ask the Administrative Law Judge (ALJ) to order the placement of the student in an IAES if the district demonstrates that keeping the student in the current school placement is substantially likely to result in injury to the student or others.
9. Placement in an IAES shall not exceed 45 school days, unless parents and district agree to an extension. If the school year ends before the 45 days are up, placement in the IAES may resume in the subsequent school year for the remainder of the 45 school days.
10. An IAES may include home instruction, alternative or nonpublic schools.
11. The IAES must be planned for and determined by the IEP team. The IAES must enable the student to participate in the general curriculum, although in anther setting, and continue to receive those services and supports described in the IEP to meet the IEP goals. It also will include services and supports to address the behavior, so it does not recur. It may not exactly replicate the programs and services that the student was receiving at the school originally attended.
12. If the parent disagrees with the decision regarding the IAES, the district may move forward with placement in the IAES. The IAES becomes the “stay put” placement until the ALJ makes a decision or until the 45 days expires, whichever comes first.
13. If the ALJ determines that the removal to the IAES was in violation of the law, or that the behavior was a manifestation of the disability, the ALJ may order the student be returned to his or her placement from which he or she was removed.
14. If a child is placed in an IAES and school personnel propose to change the child’s placement after expiration of the IAES, during the pendency of any proceeding to challenge the proposed change in placement, the child shall remain in the placement he or she was in prior to the IAES.
15. If a student is a foster youth, the Social Worker and attorney representing the student must be invited to all meetings, including the meeting to extend the suspension, the manifestation Determination Review and the Expulsion Hearing. The district must provide 10 calendar days written notice of the Expulsion Hearing to the foster student’s attorney and social worker for one of the discretionary reasons for expulsion and may provide notice for mandatory reasons.
16. If either parents or district file for Due Process Hearing on the issue of the Manifestation Determination or educational placement of a student who has committed a behavior which is subject to expulsion or considered to be likely to result in injury to student or others, an Expedited Due Process Hearing must be conducted within 20 school days of the date in which the complaint requesting the hearing was filed. The ALJ must make a determination within 10 school days after the hearing.
17. Unless the parents and district agree in writing to waive it, a Resolution meeting must be held within seven days of receiving the Request for Mediation and Due Process Hearing. The Due Process Hearing will proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the complaint.
18. If the district initiates expulsion procedures, it shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the expulsion.
19. If the school board decides to expel a student with an IEP who has committed an expellable act which has been determined to be NOT a manifestation of the student’s disability, an IEP meeting will be held. The IEP team will determine how special education and services specified in the IEP will continue to be provided in order to enable the student to advance in core curriculum and achieve the IEP goals.
20. If a student with a disability is excluded from school bus transportation, and transportation is a necessary special education service on the IEP, the student is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent.

C. DISCIPLINE OF STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION

1. A student who has not been determined to be eligible for special education and related services and is subject to a long-term removal from school may assert all due process protections included in the law if the district had knowledge that the student was a child with a disability before the behavior occurred.

2. A district shall be deemed to have knowledge that a student is a child with a disability if:
   - The parent of the child expressed concern in writing to supervisory or administrative personnel, or the teacher, that the student is in need of special education and related services, or
   - The parent requested an evaluation, or
   - The teacher or other district personnel expressed specific concerns about a pattern of behavior in the student directly to the director of special education or other supervisor of the district.
3. A district would not be deemed to have knowledge that a student was a child with a disability if:
   - The parent did not allow an evaluation of the student, or
   - The parent refused services, or
   - The student has been evaluated and determined to not be a child with a disability.
4. If the district does not have knowledge that a student is a child with a disability prior to taking disciplinary measures against the student, he or she may be subject to the same disciplinary measures as apply to students without disabilities.
5. If a parent requests an evaluation of a child during the time period in which disciplinary measures are being taken, the evaluation shall be conducted in an expedited manner.
6. If the student is determined to be a child with a disability, taking into consideration information from the district's evaluation and information provided by the parents, the district will provide special education and related services.
7. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

D. The district has a right to report a crime committed by a child with a disability to appropriate authorities, and state law enforcement and judicial authorities have the right to exercise their responsibilities in applying Federal and State law to crimes committed by a child with a disability. DISCIPLINE OF FORMER SPECIAL EDUCATION STUDENTS - PARENT PERMISSION REVOKED

Students who were eligible for special education and related services and for whom parent permission has been revoked outside of the IEP process shall be subject to the same disciplinary guidelines as all other students without disabilities in the district.

For full text of California Education Code related to special education go to https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=30.&chapter=4.&article=3

For full text of Federal Law related to special education go to https://www.law.cornell.edu/cfr/text/34/subtitle-B/chapter-III

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

ADR	Alternative Dispute Resolution: A continuum of supports to help prevent and resolve disagreements between Districts/Charters and families with children in special education within Ventura County.
CAA	California Alternate Assessment. An assessment of common core state standards designed for students in a functional skills curriculum.
Career Interest tool	Tool used to gauge career interests that a student may have
CBIP	Comprehensive Behavior Intervention Plan – A plan which addresses underlying causes of behavior and specific strategies to address it. Typically based on an FBA.
CCS	California Children's Services - Public agency which provides medical services to eligible children. California Children's Services
CCSS	Common Core State Standards – Nationally and state-adopted curricular standard for all students.
Certificate of Achievement/Completion	For students who do not achieve a regular HS diploma, this document reflects that they participated in the course of study and/or achieved their IEP and Transition goals.
CFR	Code of Federal Regulations
COE	County Office of Education – Provides services to students with disabilities according to the Local Plan.
COEDS	Collaborative Educational Services - Intensive, short-term in-home social/emotional services and supports for families with students receiving ERSES.

DGR	District of Geographical Residence - District where child and family reside
DOS	District of Service - District providing primary special education services
DR or DOR	Department of Vocational Rehabilitation. Provides job training and supports to persons with qualifying disabilities. **Website:** Home Page - CA Department of Rehabilitation
DRDP	Desired Results Developmental Profile - An assessment given to all 3,4 and 5 year old preschoolers twice a year to gauge developmental progress
EC	California Education Code
EDD	Employment Development Department - CA agency which assists people to obtain jobs
EL	English Learner - A child who is learning English
ELA	English/Language Arts.
ELD	English Language Development – Strategies to assist English Learners to acquire academic-level English.
Emergency Health Care Plan	A plan that addresses steps to be taken in case of a medical emergency
EO	English only - A child who has English as his only language
ERSES	Educationally Related Social/Emotional Services – Counseling or Social Work services provided by an Intensive School-Based Therapist.
FAPE	Free Appropriate Public Education: The offer of an educational program that is made as part of the IEP process – a description of the unique services, places and providers that will meet the needs of the student.
FBA	Functional Behavior Assessment – An Assessment that looks at the function of behavior.
HAT	Hearing Assistive Technology
IDEA	Individuals With Disabilities Education Act: law that makes available a free, appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children, supports early intervention services for infants and toddlers and their families, and awards competitive discretionary grants.
ID	Intellectual Disability
IIS	Intensive Individualized Services – Additional adult support for a student for all or part of the school day.
ISBT	Intensive School-Based Therapist – A licensed clinician providing social work or counseling services to special education students.
Level of Service	Level of special transportation service specified on the IEP. Level One – closest safe accessible curbside Level Two – within 2 blocks of home/service address Level Three – within .4 mile of home/service address Level Four – within 1 mile of home/service address Level Five – closest neighborhood school
LI	Low Incidence - Disabilities that occur statistically rarely in society including visual, hearing and orthopedic impairments. Children with these disabilities qualify for a small amount of extra funding to offset costs of their unique service and equipment needs.
NPA	Non Public Agency – Agencies certified by the CA Dept. of Education to provide specific special education services
NPS	Non Public School - Schools that are certified by the CA Dept. of Education to provide special education services.
OAH	Office of Administrative Hearings-provides fair and neutral resolutions for special education disputes between parents and school districts
PBIP	Positive Behavior Intervention Plan – A plan which addresses underlying causes of a behavior and specific strategies to address it.
Promotion and retention standards	Standards for progress in core curriculum set by each district for promotion between certain grade levels. Consult your district policies.
RC	Regional Center - Provides supports to people with developmental disabilities of all ages. https://www.tri-counties.org/ (Known as "TCRC" in Ventura County & "NLACRH" in LA County)
Related Services	Specialized Services to assist the student in accessing his/her special education program
RFEP	Reclassified Fluent English Proficient - A child who was formerly an English Learner, but has met reclassification guidelines according to district policy
SAI	Specialized Academic Instruction Adapting the content, methodology or instruction to assist a student with disabilities to access the core curriculum.
SBAC	Smarter Balanced Assessment Consortium – Statewide test administered annually to all California school children, assessing achievement in common core standards.
SCES	Special Circumstances Educational Support – Additional support that may be provided to a student based on assessment and IEP determination.
SELPA	Special Education Local Plan Area – Regional consortium of school districts to facilitate the provision of special education services to all children in the districts within the SELPA
Skills/Aptitude Tools	Tools to assess the student's strengths and abilities toward specific jobs/careers

SLD	Specific Learning Disability. A disability characterized by poor performance in one or more academic areas due to a psychological processing disorder.
Specialized Physical Health Care Services Plan	A plan developed by a physician to address the unique health or medical needs of a student
TPP	Transition Partnership Project – A collaboration between certain school districts and the Dept. of Rehabilitation to provide career development and transition to adult life services.
Triennial/Reevaluation	A review of all areas of suspected disability of a student to determine continued eligibility as well as need for special education and related services and supports.
USC	United States Code-official compilation of federal laws
WAI– WorkAbility I	Supplemental school-based career preparation services.