

Ventura County Special Education Local Plan Area (SELPA)
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Parent Rights and Procedural Safeguards for Special Education – Abbreviated Summary

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

INTRODUCTION: This document is for parents 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. This is your Notice of Procedural Safeguards. (Contact the SELPA for your rights if your child is under 3 years of age) You will be given these rights once a year, also upon initial referral, at assessment, and if you file a Notice of Due Process Complaint.

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

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

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

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

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

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

Rights of Refusal: You can refuse consent for an assessment or the placement of your child in special education. The district may not pursue Due Process on the issue of your child's initial placement into special education.

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

Assessment: Your child must be assessed for special education using methods that are not biased or discriminatory, based on culture, ethnicity, gender or disability. Tests will be administered in your child's native language or mode of communication, unless clearly not feasible to do so. No single assessment procedure will be used as the sole criteria for determining eligibility and programming for your child. The assessors will be qualified. You must sign the Assessment Plan to initiate assessment.

Independent Educational Evaluations (IEE): You may request one IEE for your child at public expense, if you disagree with an assessment conducted by the district. However, if the district disagrees that an IEE is necessary, it may request a Due Process Hearing to prove that its assessment is appropriate. Any IEE (regardless of who pays) must be considered by the IEP Team. If the district observes your child in his or her classroom during an assessment, or if the district would have been allowed to observe your child, an individual conducting an IEE must also be allowed to observe your child in the classroom. If the district proposes a new school setting for your child and an IEE is being conducted, the independent assessor must be allowed to first observe your child in the proposed new setting.

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

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

Access to education records and other rights related to records: You have a right to inspect, review, and obtain copies of your child's education records. They must be provided within 5 business days of your request. The district may charge you actual costs for copies. You have the right to dispute documents in the record.

Suspension, alternative placement and expulsion of Special Education Students: For the first ten days (cumulative in a school year), a special education student may be suspended the same as students without disabilities. A suspension for any part of a school day counts as one day of suspension, but in-school suspension does not. If the district proposes to suspend your child for more than 10 days, and the suspensions have caused a change of placement, an IEP meeting called "Manifestation Determination" will be held. If it is determined that the behavior was a result of the district's failure to implement the IEP or was caused by, or had a direct and substantial relationship to your child's disability, steps must be taken before the student is suspended further. For suspensions beyond ten days that caused a change of placement, the district must continue to provide special education services during the suspension.

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

In cases in which your child is being considered for expulsion, the district will hold a Manifestation Determination IEP meeting. If it is determined that the misconduct was not caused by or a direct result of your child's disability, or the district's failure to implement the IEP, the principal may recommend expulsion to the school board.

Due Process: You have the right to assistance in resolving conflicts which may arise regarding special education issues. If you and the district are involved in dispute resolution over an issue, it does not necessarily mean that someone is at fault. It means that there is a disagreement over what is best for your child. You may choose to participate in "Mediation Only." This is a voluntary process, outside of any timelines, at which attorneys may not be present. The form for "Mediation Only" is located on our website. If you choose to begin Due Process, you need to file a Request for Mediation and Due Process Hearing, stating a description of the problem, including facts, and a proposed resolution to the problem. This may be done no later than two years after the issue under dispute arose. (As of October 9, 2006). The Request should be forwarded to the Office of Administrative Hearings (OAH) (address on page 3) with a copy to the district. The form is located on our website. The district has 10 days to send you a Written Notice described above, or send an Other Party Response attempting to resolve the issue. The OAH will inform you within 15 days if there is not enough detail in your notice. Once you

file a Request for Mediation and Due Process Hearing, your child will “stay put” in the last agreed-upon program until the issue is resolved.

Resolution Session: Upon receipt of your notice, the district will schedule a Resolution Session within 15 days. The Resolution Session is an informal way to attempt to resolve the conflict and may be facilitated by a neutral party from outside the district. You have three days to rescind any agreements made in a Resolution Session. The Resolution Session period is 30 days and precedes initiation of Mediation/Due Process Hearing.

Mediation: As part of Due Process, you may want to request Mediation. Mediation involves the use of an impartial mediator who is appointed by the OAH. Participation in Mediation will not delay the timeline for a Due Process Hearing.

Both Resolution Sessions and Mediation are informal, non-adversarial methods designed to be conducted without an attorney, but if you bring an attorney the district may also.

Due Process Hearing: You have the right to a Due Process Hearing if there are still disagreements relating to special education services for your child. You also have the right to have an attorney, advocate, and/or the student present at the Due Process Hearing and to make the hearing public. Under certain conditions, the Administrative Law Judge may award the reimbursement of attorney’s fees and/or fees paid to nonpublic institutions by you in the settlement of a case. Under certain other conditions, the judge may reduce or completely deny reimbursement to you for attorney fees and/or fees for nonpublic institutions. The Due Process Hearing will result in written findings from the judge within 45 days of completion of the 30 day Resolution Session period. You have the right to appeal a Due Process Hearing decision to a federal court as a civil action. Appeal must be made within 90 days of the decision.

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

Parent Placement in a Non-Public School: A non-public school is a private school which is certified by the state to provide special education services. The district will pay for non-public school costs only if the IEP team agrees that all public school options are not appropriate. If you intend to place your child in a non-public school, you must give the district ten business days notice. In that time, if the district wishes to assess your child, you must make your child available for assessment. If you place your child in a nonpublic school without approval by the district, but you propose that it be paid for by the district, the district must be given the opportunity to observe and assess your child there. An IEP meeting will then be held to review assessment results and discuss the appropriate placement.

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

Complaints: If you believe that the district has violated the law, you may file a complaint with the district, according to their “uniform complaint procedures.” If not satisfied, or if you choose not to file with the district, you may file a complaint with the California Department of Education (CDE). The CDE must investigate the complaint and issue a written report of findings within 60 days. The complaint form is located on our website (above).

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

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
Attn: PSRS Intake
515 L Street, Suite 270
Sacramento, CA 95814
Telephone: (800) 926-0648 ~ Fax (916) 327-3704
<http://www.cde.ca.gov/spbranch/sed>

To file a Request for Mediation and Due Process Hearing:

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

COMMUNITY ADVISORY COMMITTEE (CAC)

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

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

- 90 Ways to Help Students with ADHD - *Brochure*
- A Parent Guide to Special Education (English/Spanish) - *Booklet*
- A Parent Guide to Transition Planning (English/Spanish) – *Brochure*
- A+ Access, Accommodations, Acceptance “A Winning Grade” - *Brochure*
- AB3632 – How does it help with Mental Health Services? – *Brochure*
- Autism: A Confusing Diagnosis – (English/Spanish) – *Brochure*
- Are You Concerned About Your Child? (3-22 years old, English/Spanish) – *Brochure*
- Community Resource Directory for School Aged Students (English/Spanish) - *Booklet*
- Going to College...or Thinking About it? - *Booklet*
- Public Agencies Serving Adults with Disabilities- *Booklet*
- Procedural Safeguards Referral Service – *Brochure*
- Family Fact Sheet - Sorting through services to help you help your child. . . Regional Center or Schools? – (English/Spanish) – *Brochure*
- My child with special needs is going to middle school. How can we get ready?
- Sensory Issues and Needs in Young Children Birth-Three (English/Spanish) – *Brochures*
- Transitioning to High School – A Guide for Parents of Special Education Students - *Brochure*
- Ventura County Transition Project Community Resource Directory (Programs and services for students in transition from Special Education Programs to Community-Based Programs for Adults) (English/Spanish) – *Booklet*
- What is Apraxia of Speech – A Guide for Parents of 3-5 year olds – *Brochure*
- What is a SELPA? - *Brochure*

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

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

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

CAHSEE	CA High School Exit Exam - A required exam of all students in California in order to meet graduation requirements.
Aprenda	A state test designed to assess a student's acquisition of content in Spanish.
PBSP	Behavior Support Plan – A plan which addresses underlying causes of a behavior and specific strategies to address it. Also known as a “Positive Behavior Support Plan” (PBSP)
CAPA	California Alternate Proficiency Assessment. An assessment of state curricular standards designed for students in a functional skills curriculum.
Career Interest tool	Tool used to gauge career interests that a student may have
CCS	California Children Services - Public agency which provides medical services to eligible children. Website: http://www.vchca.org/dos/Program.asp?ProgID=62
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.
Chapter 26.5 (Also know as “AB 3632”)	Chapter 26.5 of the Government Code of California. This law applies to the CA Departments of Mental Health, Health Services and Social Services and mandates interagency responsibilities for IEP services with the local public schools.
CMA	California Modified Assessment – an alternate statewide achievement test for some special education students.
COE	County Office of Education – Provides services to students with disabilities
CST	CA Standards Test - Annual test of achievement in CA. State Curricular Standards given to all school children in the state, grades 2-11
DMH	Department of Mental Health – Public Agency providing counseling and medical services to people with emotional disturbance and mental illness. http://www.vchca.org/bh/index.htm
DOR	District of Residence - District where child and family reside
DOS	District of Service - District providing primary special education services
DRDP	Desired Results Developmental Profile - An assessment given to all 3,4 and 5 year old preschoolers twice a

	year to gauge developmental progress
EDD	Employment Development Department - CA agency which assists people to obtain jobs
EL	English Learner - A child who is learning English
ELA	English/Language Arts.
ELD	English Language Development – Strategies to assist English Learners to acquire academic-level English.
Emergency Health Care Plan	A plan that addresses steps to be taken in case of a medical emergency
EO	English only - A child who has English as his only language
FEP	Fluent English Proficient - A child with other languages used in the home but who is determined to proficient enough in English for participation in school
HAT	Hearing Assistive Technology
HS	Head Start – Services to low income children 3-4 years old. In Ventura County, provided by a non-profit organization, Child Development Resources. http://www.cdofvtaco.org/index.htm
ID	Intellectual Disabilities
Intensive, Individualized Instruction (III)	Additional adult support for a student for all or part of the school day.
Individual & Small Group Instruction	Special education services provide to <u>preschoolers only</u> .
LCI	Licensed Children’s Institution. Public agencies that care for children with special needs, or who are wards of the state.
Level of Service	Level of special transportation service specified on the IEP. Level One – closest safe accessible curbside Level Two – within 2 miles 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 extra funding to offset costs of the unique service and equipment needs of this population.
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.
Promotion and retention standards	Standards for progress in core curriculum set by the district for promotion between certain grade levels. Consult your district policies.
RC	Regional Center - Provides supports to people with developmental disabilities of all ages. http://www.tri-counties.org/
Rehabilitation or DR	Department of Vocational Rehabilitation. Provides job training and supports to person with qualifying disabilities. Website: http://www.rehab.cahwnet.gov/
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
SDAIE	Specially Designed Academic Instruction in English – Strategies for assisting English learners in accessing core content presented in English.
SELPA	Special Education Local Plan Area – Regional consortium of school districts to facilitate the provision of special education services to all children in the districts within the SELPA
Skills/Aptitude Tools	Tools to assess the student’s strengths and abilities toward specific jobs/careers
SLD	Specific Learning Disability. A disability characterized by poor performance in one or more academic areas due to a psychological processing disorder.
Specialized Academic Instruction (SAI)	Adapting the content, methodology or instruction to assist a student with disabilities to access the core curriculum.
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 schools – Dept. of Rehabilitation to provide career development and transition to adult life services.
Triennial Review	A review of all areas of suspected disability of a student to determine continued eligibility as well as need for special education and related services and supports.
WRK – WorkAbility Services	School-based career preparation services.