

Parent Handbook

A GUIDE TO SPECIAL EDUCATION



Community Advisory Committee (CAC)

El Dorado County Special Education Local Plan Area (SELPA)
www.edcoe.org/departments/selpa/cac

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EL DORADO COUNTY SELPA MISSION STATEMENT

The mission of the El Dorado County SELPA is to provide quality leadership and support to El Dorado County school districts, parents, and students by promoting and insuring delivery of services to maximize educational opportunities for children with special needs.

WELCOME

This handbook was originally created by the El Dorado County SELPA Community Advisory Committee (CAC). Our hope is that this handbook will serve as an informative resource for you. The goal of the CAC is to empower parents of special education students to become effective team members in their child's education through flexibility, collaboration, knowledge, and effective communication. Our goal is also to help parents of students with special needs serve as resources to others.

CAC primarily includes parents of special education students and community representatives from our local agencies. We provide training in law and issues surrounding special education. Members have been through many of the same emotions and circumstances that you, as a parent of a special education student, may face. Each school district's CAC representative volunteers his/her time and makes every effort to be available to parents. You may obtain your representative's name and phone number by contacting your district or the El Dorado County SELPA at (530) 295-2236.

Distribution Plan

It is the desire of the CAC to have this handbook available to parents. It is available for download on the SELPA website. Districts may keep some print copies available as well as copies on CDs if parents request this format. Flyers will be distributed at IEP meetings to inform parents of the handbook. The CAC is committed to evaluate and update this handbook as federal, state and local laws change.

Advocacy

You may want support in your role as a team member in planning your child's education. In addition to the SELPA Director and SELPA program specialist, parent members of the CAC may be able to offer advice and suggestions throughout the Special Education process. Parent members of the SELPA's CAC are volunteers who have expressed an eagerness to assist you in finding answers to your questions and who support other parents who are new to the special education system.

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Individuals with Disabilities Education Act (IDEA, 2004)

You, the parent, and your child have certain legal rights. IDEA is a federal law which mandates and affirms the right of all disabled children to a free public education. The purposes of IDEA are to do the following:

- to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;
- to ensure that the rights of children with disabilities and parents of such children are protected;
- to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;
- to assist States in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;
- to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systemic-change activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and
- to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

SPECIAL EDUCATION PLACEMENT PROCESS AT A GLANCE

- Special education services begin when an Individualized Education Program (IEP) team, including the parent(s), determines that a child is a “child with a disability” who “requires special education and services”. This team meeting is the result of multiple steps that precede it: (See sample letter that follows this section.)
 1. First, a teacher or a parent identifies that a student is experiencing difficulty in school.
 2. Next, a problem-solving team, including the parent, will convene to discuss the concern(s) and ways to address the student’s needs. This team may be called a Student Success Team, a Student Study Team, a Child Study Team or an Intervention Team. The “SST” process is recommended in order to begin and document modifications and accommodations.
 3. One of the many options of a team like this is to gather further information, from recommending eye exams, to academic assessments, to a referral for an assessment to determine eligibility for special education services.

- The team or a parent may submit a written referral for assessment to determine eligibility for special education program and services. The school has fifteen (15) calendar days from the date the school receives this written referral to present an assessment plan.

If, down the road, a student is assessed for eligibility for special education, the IEP team must be able to document that modifications and accommodations have been attempted and are not adequate for the child’s success, as a condition of eligibility for special education.

The school district does have the right to decline to assess, with valid reasons; but, in those rare circumstances, the district must provide you with written notice of the decline, and the reasons why.

- A representative of the school will contact you to review the proposed assessment plan and secure your signature. The school has fifty (60) calendar days (excluding school breaks of more than five (5) school days) from the time of signed parent consent for assessment, to schedule and hold the IEP team meeting.
- IEP team membership must include: parent, administrator, Special Education teacher, a general education teacher, additional specialists, teachers, or people with knowledge of the student. Additional members may be present.
- An IEP team meeting will be held. The IEP team will determine if the student is eligible for special education programs and services. If the student is eligible, the IEP team will develop goals and objectives and determine appropriate services and placement. We suggest that parents make a written request for the assessment results and other information pertinent to the IEP before the IEP meeting. This will give you the opportunity to read carefully all the documents.
- Services will begin on the date designated in the IEP, but only after the IEP is signed by you.

- Children may transition from Early Start early intervention services into special education preschool services at three years of age if they qualify for services for preschool children under Part B of IDEA. The transition Individualized Family Service Plan (IFSP) process addresses the transition steps necessary for movement into preschool services, including the projected IEP process.

Response to Intervention (Rtl)

The special education category of “**specific learning disability**” appeared in law in 1975 with the passage of PL 94-142, the Education for all Handicapped Children Act, after years of debate by special education advocacy groups, researchers, parents and federal and state level governmental agencies. Although the eligibility category was added to the law, the requirements for eligibility under this category have differed markedly from state to state. Because a severe discrepancy between ability and achievement had to be demonstrated in order to qualify, struggling students very often had to “wait to fail” before being given assistance with learning problems.

As a result of decades of research and collaboration amongst all interested educators, legislators and parents, the most recent reauthorization of special education law (Individuals with Disabilities Education Improvement Act of 2004) has changed the eligibility requirements to allow for a method of providing services early to students who need help (as an intervention *before* special education is considered, and to making “Response to Intervention” one of the tools for evaluating and qualifying students for special education services.

IDEIA, 2004, does not specifically use the words, “Response to Intervention” in its reference to eligibility assessments for Specific Learning Disability. It refers instead to response to “scientific, research-based interventions” in its explanation of the process. A comprehensive, yet succinct definition of Rtl is taken from the National Association of State Directors of Special Education (NASDE) publication of 2005 as quoted below:

“Response to intervention (Rtl) is the practice of providing high-quality instruction and interventions matched to student need, monitoring progress frequently to make decisions about changes in instruction or goals and applying child response data to important educational decisions. Rtl should be applied to decisions in general, remedial and special education, creating a well-integrated system of instruction/intervention guided by child outcome data.” **

EI Dorado County SELPA has provided all of its districts with Response to Intervention: A Handbook for EI Dorado County Educators to aid in the implementation of Rtl in each school. It should be stressed that the focus of the new law is on the *general education program*; it was designed to circumvent the “wait to fail” model of getting help to students. Each school site’s Rtl model will be different, depending on the resources and personnel that are available at each school/district. Please contact your district and/or Dubravka Tomazin, SELPA Program Specialist (dtomazin@edcoe.org) for further information on Rtl.

** Batsche, G., Elliott, J., Graden, J.L., Grimes, J., Kovaleski, J.F., Prasse, D., et al. (2005). *Response to intervention: Policy considerations and implementation*. Alexandria, VA: National Association of State Directors of Special Education, Inc.

REFERRAL FOR ASSESSMENT TO DETERMINE ELIGIBILITY

“Referral” is a term used broadly for many purposes. Teachers and parents can refer a student for discussion of concerns to a Student Success Team meeting, or to a special intervention program, or to Mental Health/Children’s System of Care for services, etc. An SST team consists of the parents and school staff familiar with the child. Remember, you may bring a friend, CAC representative, or other support person to this meeting. A referral for problem-solving support to a Student Study Team is usually the first step when a teacher or parent has concerns about a child’s learning needs. This allows a team to develop accommodations, modifications, supports, resources, or any number of kinds of services immediately, and to assess the results of any such modifications.

Parents, teachers, counselors, principals, school nurses, or other persons who have an interest in the child’s welfare can make referrals. Written notice of referral by the school personnel will be sent to parents. Individualized assessment cannot be conducted, however, without your written permission. Parents have the right and are encouraged to make referrals to the local school staff for assessment of their child’s possible needs, when a disability is suspected.

Write a specific request to the attention of your child’s principal, teacher or the district’s Special Education Administrator, asking for a Student Study Team meeting (see sample letter). Or, if you suspect a disability, you may write a letter requesting that a referral to assess for eligibility for special education services be initiated, including your reasons why you suspect that your child may have a disability. Keep a copy of the request for your child’s records. (See the following “Sample Request for Referral for Assessment”.)

The school has 15 (fifteen) calendar days from the date of a written referral to present an Assessment Plan for parent’s approval and signature.

In order to be eligible under IDEA, a student must be identified and meet criteria as:

- a. Autistic
- b. Deaf
- c. Deaf/Blind
- d. Emotional Disturbance
- e. Visual Impairment
- f. Hearing Impaired
- g. Language/Speech Impairment
- h. Intellectual Disability
- i. Multiple Disabilities
- j. Orthopedic Impairment
- k. Other Health Impaired
- l. Specific Learning Disability
- m. Traumatic Brain Injury

In addition, the team must determine that the student requires special education services in order to receive educational benefit.

SECTION 504

Section 504 is the section of the Rehabilitation Act of 1973, which applies to persons with physical or mental impairments. It is a civil rights act, which protects the civil and constitutional rights of persons with disabilities. It states that no person with a disability can be excluded from or denied benefits of any program receiving or benefiting from federal financial assistance.

Definition of Disability

A person is considered disabled within the definition of Section 504 if he or she:

- has a mental or physical impairment which substantially limits one or more of such person's major life activities
- has a history of such impairments
- is regarded as having such an impairment

School staff should consider the potential existence of disability and possible Section 504 protection if the student has been diagnosed, for example with:

- HIV
- ADHD
- Communicable diseases
- Blood/sugar disorders
- Heart malfunctions

Definition of Major Life Activity

"Major life activities" include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, **learning**, and working. When a condition does not substantially limit a major life activity, the individual does not qualify for a Section 504 plan.

School District Responsibility

If a school district has reason to believe that, because of an impairment as defined under Section 504, a student needs special accommodations or services in the general setting in order to participate in the school program, the district must evaluate the student. If it is determined that a student is disabled under Section 504, the district must develop and implement the delivery of all needed services and/or accommodations. Section 504 falls under the responsibility of the **general education program**.

Reasonable Accommodations

Section 504 requires a written plan describing placement and services. Placement decisions must be based upon information drawn from a variety of sources and all information must be considered. The placement decisions must be made by a group of persons knowledgeable about the child, about the meaning of the evaluation data, and about placement options. All members of the group or assistance team, including

parents, must sign the “educational accommodation plan”. Some examples of reasonable accommodations are:

- Untimed or extended time for assessment and/or assignments
- provision of readers
- provision of taped textbooks
- changes in the way tests are given
- seating in the front row of the classroom

Sample Letter – Requesting a Student Study Team (SST) Meeting

Ms. Bev Blue
Address
City, State, Zip Code
Telephone Number

Date

Mr./Mrs. Principal
Local Unified School District
Address
City, State, Zip Code

Dear Mr. Green:

I am the parent of John Blue, who is currently enrolled at the General Elementary School in the fifth grade. John is not doing well in school and I am concerned about his academic performance.

I am therefore requesting a Student Study Team Meeting to develop educational strategies and modifications for John.

Sincerely,

Bev Blue

Before using a letter like this, please be sure you have had the opportunity to communicate with your child's teacher.

Sample Letter – Referral for Special Education

Ms. Bev Blue
Address
City, State, Zip Code
Telephone Number

Date

Mr./Mrs. Principal
Local Unified School District
Address
City, State, Zip Code

Dear Mr. Green:

I am the parent of John Blue, who is currently enrolled at the General Elementary School in the fifth grade. We have had a Student Success Team (SST) meeting and the recommendations of that team have been implemented. John is still not doing well in school: (define here what those concerns are)

I am writing to make a referral for assessment to determine eligibility for special education services for John. I am requesting that the school district give John a comprehensive assessment in the following area(s) of suspected disability(ies): _____ to determine if he is eligible for special education and/or related services under IDEA and/or Section 504. I am requesting all written reports be provided to me prior to the meeting for my review.

I look forward to receiving an assessment plan within 15 days. If you have any questions, please feel free to contact me. Thank you for your cooperation and assistance.

Sincerely,

Bev Blue

cc: Director of Special Education

Before using a letter like this, please be sure you have had the opportunity to communicate with your child's teacher or other staff.

ASSESSMENT PLAN DEVELOPMENT

After a child is referred for special education assessment, a representative of the school will contact you to review an assessment plan. The school representative will:

1. Review the reason(s) for referral;
2. Explain the evaluation process and the methods or tests, which will be used to obtain more information about the child. Testing will be done in the child's native language or other means of communication, unless other provisions are necessary;
3. Explain the rights of the parents to:
 - review all relevant information;
 - obtain an independent evaluation, if the parents disagree with the assessment;
 - have an impartial due process hearing if they are not satisfied with the results (including Alternative Dispute Resolution);
4. Ask the parents to provide written permission for an assessment to be conducted;

This may occur at the same meeting where determination to make a referral is made. The assessment process has two major purposes: 1) to gather all information possible about the student and assess needs, through observation, testing, and gathering information from those who have worked with the child, including the parent, teachers, nurses, therapists and psychologists and any other pertinent information written or otherwise; and 2) to determine if a student is eligible for special education programs and services.

The school has 60 days (excluding days during school breaks of more than 5 school days) from the time of the receipt of the signed parent consent for assessment to schedule and hold the IEP team meeting.

SAMPLE ASSESSMENT PLAN (Updated October 2010)

**El Dorado County SELPA
ASSESSMENT PLAN**

Initial Annual Triennial Transition Interim Other _____

To parent/guardian of: _____ Date: ____ / ____ / ____

District: _____ School: _____ Grade: ____ Birth date: ____ / ____ / ____

Primary language: _____ English proficiency/CELD Level _____

Referred by: _____

(Name and Title)

The district proposes to assess your child to determine his/her eligibility for special education services or continued eligibility and present levels of academic performance and functional achievement. Your child will be assessed in all areas of suspected disability as needed. To meet your child's individual education needs, this assessment will consist of an evaluation in only the areas checked by the local educational agency (LEA)/district.

Evaluation Area	Examiner Title
<input type="checkbox"/> Academic Achievement: These tests measure reading, spelling, arithmetic, oral and written language skills, and/or general knowledge.	
<input type="checkbox"/> Health: Health information and testing is gathered to determine how your child's health affects school performance.	
<input type="checkbox"/> Intellectual Development: These tests measure how well your child thinks, remembers, and solves problems.	
<input type="checkbox"/> Language/Speech Communication Development: These tests measure your child's ability to understand and use language and speak clearly and appropriately.	
<input type="checkbox"/> Motor Development: These tests measure how well your child coordinates body movements in small and large muscle activities. Perceptual skills may also be measured.	
<input type="checkbox"/> Social/Emotional: These scales will indicate how your child feels about him/herself, gets along with others, takes care of personal needs at home, school and in the community.	
<input type="checkbox"/> Adaptive/Behavior:	
<input type="checkbox"/> Post Secondary Transition: Age appropriate transition assessments related to training, education, employment and where appropriate independent living skills.	
<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Alternative Means of Assessment: (Describe alternative methods of assessing the child, if applicable) _____	

- I consent to the assessment. I understand that the results will be kept confidential and that I will be invited to attend the IEP team meeting to discuss the results. I also understand that no special education services will be provided to my child without my written consent.
- I do not consent to the proposed assessment described above.
- I would like the following assessment information to be considered by the IEP team: _____

Signature of Parent/Guardian: _____ Date: ____ / ____ / ____

Address: _____ Phone number _____

Comments: _____

NOTE: Prior Written Notice attached if this is an initial evaluation.

IEP TEAM MEETING

Before your child receives any special education services, a IEP must be developed at the IEP team meeting. You have the right and are encouraged to present information during the IEP team meeting for use in developing the most appropriate (individualized) IEP for your child. You are encouraged to request in writing the assessment results, blank IEP forms to familiarize yourself with, and other information pertinent to the IEP before the IEP team meeting. Remember, you may bring a CAC representative or other support person to this meeting.

A number of items make up the IEP. They include:

- ◆ Statements of the child's level of educational performance/needs provided by parents and staff.
- ◆ Statements of yearly goals and short-term educational objectives
- ◆ Those individuals responsible for helping to accomplish the objectives
- ◆ Criteria and evaluation procedures for measuring the achievement of the educational objectives
- ◆ A statement of the specific special education programs and the related services needed by the student, and the degree of participation anticipated in the general program
- ◆ Projected dates for beginning services and how long the services should continue
- ◆ Determination of participation in state and district-wide assessments

The parent(s) or guardian will be asked to give written approval of the newly developed IEP at the IEP meeting. You are not required to sign the IEP at this time. A system to measure progress for the student will be developed and reviewed at least yearly. The parent(s) or guardian must give permission before a change in educational placement or program of the student is implemented.

The student's program is a cooperative effort between the school, the home, and the student. Communication between home and school should be continued after the IEP team meetings take place. Requests for informal conferences with the student's teachers, requests to visit the student's classroom, notes or phone calls are all ways of learning about the child's program and performance. Another important way of finding out about program and performance is through talking with your child!

It is the team's right and responsibility to request an IEP team meeting or review at any time. A sample IEP agenda follows on the next page herein.

If your child does not qualify for special education services, he or she may still be eligible for services under Section 504 of the Rehabilitation Act of 1973.

(Sample)
IEP AGENDA

Agenda for _____'s Annual (or triennial) IEP

Date: _____

- 1. Welcome/Start Up**
 - Introductions
 - Purpose/Expected Outcomes
 - Agenda Overview
 - Child/Parent Rights
 - Establish Time Parameters

- 2. Present Levels of Performance/Eligibility and Transition for Students 16 Years and Older**
 - Complete Transition Paperwork in conjunction with Present Levels, Goals and Services
 - Student Strengths/Preferences/Interests
 - Parent Concerns
 - Review of Reports (General Education, Specialists, other agencies, if applicable)
 - Review of Progress on Current Goals/Objectives
 - Statement of Eligibility/Non-eligibility (if appropriate to this meeting)

- 3. Special Factors**
 - Assistive Technology?
 - Low Incidence?
 - Blindness or Visual Impairment?
 - Deaf or Hard of Hearing?
 - English Learner?
 - Behavior?
 - Areas of Need
 - Participation in State/District-wide Assessments (STAR)

- 4. New Goals/Objectives Based on Current Needs**

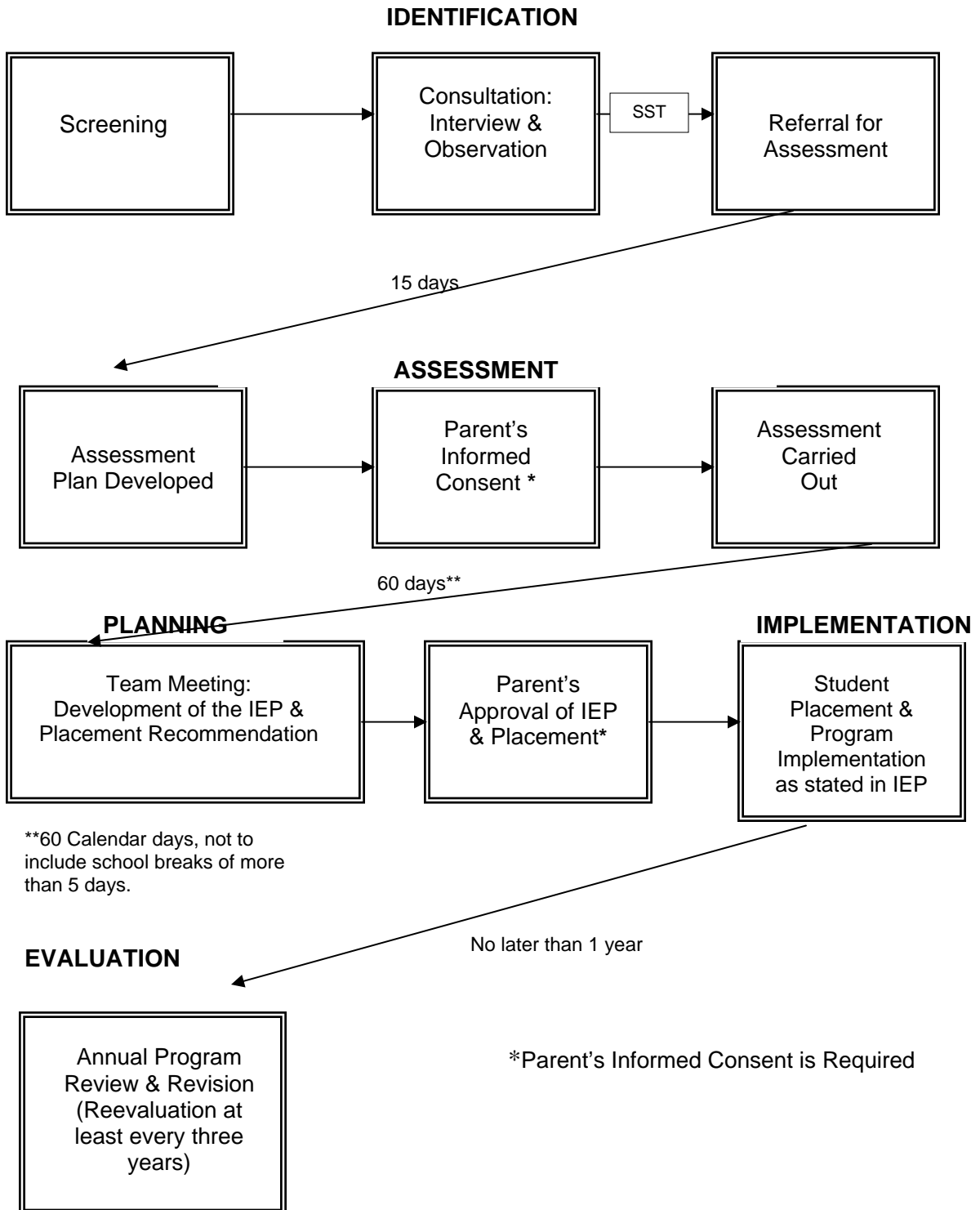
- 5. Offer of Program/Services Based on Goals/Objectives**
 - Service Delivery Options (LRE)
 - Supplementary Aids, Services and Other Supports for School Personnel, or for the Student, or On Behalf of the Student
 - Accommodations/Modifications
 - Special Education and Related Services
 - Extended School Year?

- 6. Offer of Educational Setting**
 - % of time in/out of general education classes/*rationale for time out of general education*
 - Other Agencies including County Mental Health involved?
 - Promotion Criteria
 - Progress Monitoring/Progress Reporting
 - Special Education Transportation?
 - Graduation Plan (if appropriate)

- 7. Ending**
 - Confirm Agreements
 - Signatures
 - Follow-up

INDIVIDUALIZED EDUCATION PLAN (IEP) PROCESS OR TIMELINE

This flow chart is intended to be used as a brief overview of the IEP process. For more detailed information, consult the individual sections in this parent handbook.



AVAILABLE SPECIAL EDUCATION PROGRAMS/SERVICES

The Special Education Department provides a range of special education programs and services for eligible students ages three to twenty-two residing in the Western Slope of El Dorado County.*

Students receiving special education and DIS related services will be educated with general education students to the maximum extent appropriate. They will be integrated as much as possible in school activities and general classroom activities as determined by the IEP team. If separate facilities and services for your child are necessary, they will be comparable to those provided for general education students.

Special education and DIS related services will be provided on behalf of your child, without cost, except for those fees that are charged to general education students. Services will be provided in an appropriate setting as close to their homes/home school as feasible. When transportation to a more distant school, class or center is necessary, such transportation is to be provided without cost to the student.

*For infants aged birth to three years who are suspected of having a disability, please call the Alta California Regional Center at 916/786-8110, or P.R.I.D.E. & Joy/Family Connections at (530) 626-5164.

LEAST RESTRICTIVE EDUCATIONAL ENVIRONMENT

“Least restrictive environment” is that placement or program which can best meet an individual student’s needs and which does so with a minimum loss of contact with general class, students, and programs. Here is a brief look at how the IEP team might decide the least restrictive setting for the student to be educated, while still making sure that the student has the opportunity to interact with students who do not have disabilities.

- ◆ The IDEA has a strong preference for educating students with disabilities in general education classes with appropriate aids and services.
- ◆ The student’s placement in the general education classroom is the first option the IEP team must consider.
- ◆ Considering just the student, the IEP team answers the question: What supplementary aids and services would ensure that the student’s IEP can be appropriately implemented in the general education classroom?
- ◆ If the IEP team decides that the student can be educated satisfactorily in the general education classroom, then that placement is the LRE for that student.
- ◆ The IEP team may decide that the student cannot be educated satisfactorily in the general education classroom; even when appropriate aids and services are provided. The IEP team must then consider other placements and/or services.

- ◆ A full continuum of program options must be available within the SELPA to the extent necessary to ensure FAPE. These might include: specialized instruction within general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.
- ◆ The IEP team decides which of these other services is best for the student, given the student's individual needs and the importance of being educated, to the maximum extent appropriate, with students who do not have disabilities.

DESIGNATED INSTRUCTION AND SERVICES (DIS)/RELATED SERVICES

Designated instruction and services are provided by specialists and are specific services not normally provided in a general education classroom, special education classroom, or the Resource Specialist program. Based on your child's individual assessed need, the following may be included as designated instruction and services:

- *Instruction and services in language and speech development and remediation*
- *Audiological services*
- *Interpreters for the deaf*
- *Instruction and services in mobility and instruction*
- *Instruction and services in home and/or hospital*
- *Adaptive Physical Education (APE)*
- *Physical or occupational therapy*
- *Low vision services and therapy; orientation and mobility services; Braille*
- *Specialized driver training instruction*
- *Counseling and guidance services*
- *Psychological services other than assessment and development of the IEP*
- *Parent counseling and training*
- *Health and nursing services*
- *School social work services*
- *Specially designed vocational education and career development*
- *Supplemental instruction and services including individual and small group instruction*

- *Recreation services*
- *Transportation*
- *Specialized services for low-incidence disabilities, e.g., reader, transcribers, and/or vision and hearing services.*

Instruction may be given in any appropriate setting, starting with the general education classroom. Services shall be specified in the IEP.

RESOURCE SPECIALIST PROGRAM (RSP) / LEARNING CENTERS

The Resource Specialist Program provides, directly or indirectly, instructional and other services for students whose needs have been identified by the IEP team as being exceptional. Students are assigned to general education classroom teachers for the majority of the school day and receive Resource Specialist services as determined by the IEP team.

The Resource Specialist coordinates services for children, provides instructional planning, special instruction, consultant services, resource information, and materials regarding individuals with special needs, to classroom teachers, parents or guardians. Such services can be within the general education classroom, in a RSP class, or through a Learning Center, and are often provided with the assistance of an aide.

SPECIAL DAY CLASSES (SDC)

Special Day Classes provide services to students who have more intensive needs than can be met by general education school programs, the Resource Specialist Program, and/or Designated Instruction and Services. Students are placed in an SDC for a majority of the school day and grouped with other students who have similar instructional needs. Each SDC includes a special education teacher and instructional aide. The Special Day Class teacher works cooperatively with general education classroom teachers, Program Specialists, and with IEP personnel to implement and review the IEPs for students with special needs.

STATE SPECIAL SCHOOLS

Residential schools and services are operated by the State of California for the deaf, blind, and neurologically impaired. The schools are available for complete diagnostic workups and may be considered as placement for certain individuals with extraordinary needs. Placement in such programs will be arranged upon the recommendation of the IEP team and following a team determination that specialized diagnostic services or residential school placement is needed.

NONPUBLIC, NONSECTARIAN SCHOOL SERVICES

Nonpublic, nonsectarian school services are available to individuals with exceptional needs, only when the local school district determines that an appropriate educational program is not available through the public school systems in the El Dorado County Special Education Local Plan Area or adjacent service regions.

HOME AND HOSPITAL SERVICES

When children's health needs require that services be provided in the home or hospital, the IEP team will determine those services.

EDCOE SPECIAL SERVICES

The El Dorado County Office of Education (EDCOE) currently operates the following special education classes in various locations around the county:

PRESCHOOL CLASSES

The preschool classes are housed at the Camerado Springs Head Start in Shingle Springs, Schnell School (Bliss Center) in Placerville, Buckeye Elementary School in Shingle Springs, Jackson Elementary in El Dorado Hills, the Ken Lowry Child Development Center at the County Office of Education in Placerville, Rescue Elementary School in El Dorado Hills, Brooks Elementary School in El Dorado Hills. These programs offer individualized and small group instruction in several integrated settings, depending upon the needs of each child. These programs work on a variety of age appropriate skills in areas such as: socialization, language development, self-esteem, self-help skills, toileting, fine and gross motor skills, movement exploration and sensory integration, pre-academic skills, life skills, art, drama and music activities.

SEVERELY MULTIPLY IMPAIRED

This program serves students who have severe multiple disabilities, and may be medically fragile. This program is located in the Winnie Wakeley Building in Camino and serves students from preschool through graduation (ages 3–22). The program focuses on gross/fine motor activities and individualized instruction.

DEAF AND HARD OF HEARING

This regional program serves children who are deaf or hard of hearing. This program focuses on the development of language, communication, academics, and social development skills and is located at Blue Oak Elementary School (grades K-5), Camerado Springs Middle School (grades 6-8), and Ponderosa High School (grades 9-12).

SEVERELY IMPAIRED

This program serves students with orthopedic impairments, intellectual disabilities, emotional disturbances, visual impairments and/or multiple disabilities. These students are served at the following locations, based on age and grade: Winnie Wakeley (grades K-2), Gold Oak Elementary School (grades 3-5), Markham Middle School (grades 6-8), Sutter's Mill Elementary (grades K-3), Gold Trail School (grades 4-8), El Dorado High School (grades 9-12), Ponderosa High (grades 9-12), Union Mine High School (grades 9-12), and the Tunnel Street and Gilmore transition programs for students ages 18-22. Program components include community-based instruction, individualized instruction, educational assessment, self-esteem building, socialization skills, inclusive education, independent living/vocational skills, functional life skills, gross motor, recreation and communication.

AUTISM – Structured Auditory and Visual Instruction (SAVI)

This program includes highly structured classes based on the best available research related to the instruction of children with autism. Instruction includes use of the discrete

trial format, Picture Exchange Communication systems, and visual instruction based on the highly successful TEACCH program. All components found in SH classes are integrated into these classes. These students are served at the following locations, based on age and grade: Child Development Center (Preschool-K), Lakeview School (K-5 and 6-8), Ponderosa High School (grades 9-12) and Rescue School (Preschool-K).

INCLUSION

This regional program is located at Buckeye Elementary School and serves students with developmental disabilities (Grades K-5). The students are included in the general education classroom with necessary supports and services provided. Students are recommended for this program through the IEP process.

ORTHOPEMICALLY IMPAIRED / SEVERE HEALTH IMPAIRMENTS

This regional program, located at Jackson Elementary School, serves students with orthopedic impairments or severe health impairments (Grades K-8). Additional OI services are available throughout the county on a DIS basis.

EMOTIONALLY DISTURBED

This regional program is located in the Gold Trail School District and serves students with severe emotional problems. The K-3 classroom is located at Sutter's Mill School. Classes for students grades 4-5-6 and 7-8 are located at Gold Trail School. The program is supported by the El Dorado County Mental Health Department. The focus of the program is to develop social skills, appropriate behaviors, emotional stability and academics.

EXAMPLES OF DESIGNATED INSTRUCTION AND SERVICES (DIS)

EDCOE also serves as the provider of DIS services throughout the El Dorado SELPA:

- **Speech and Language Services** include assessment, therapy, consultation with staff, parents and students, in-service education and parent education.
- **Occupational Therapy** is provided to qualified students already eligible for special education services. The purpose of school-based OT services is to support the student's academic goals and objectives, as needed, in order to insure "educational benefit" from special education. Skill areas of assessment and/or treatment include postural/ocular mechanisms, fine motor, sensory processing, visual perceptual, graphomotor, social integration/behavior, visual motor, motor planning/bilateral coordination and self care.
- **Transportation** may be included for students with specific needs.
- **Adapted Physical Education** includes gross/fine motor activities in P.E. and recreation.
- **Visually Impaired Services** include consultation with general education services, supplemental materials, mobility cane orientation and adaptive equipment such as enlarged print, magnifier, Braille and computers.

- **Deaf/Hard of Hearing Services** include consultation to teachers, closed captioning information, training of staff on disability awareness, signing and interpreters.

The fourteen school districts of the El Dorado County SELPA serve students with various handicapping conditions in a variety of settings. Students with learning disabilities are the largest number of students served in the home district's resource, special day class and/or learning center models.

TRANSITION

Transition Defined. The definition of transition has evolved over the past few years. Nationally, it has been perceived as a period of time which includes high school, graduation, post-secondary education/training options, adult services, and the initial years of employment. The Individuals With Disabilities Education Act (IDEA, 2004), offers the following definition:

The term “transition services” means a coordinated set of activities for a student with a disability that—

*(A) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to **facilitate the child’s movement from school to post-school activities**, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation (Section 602, emphasis added);*

(B) is based upon the individual child’s needs, taking into account the student’s preferences and interests; and

(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and a functional vocational evaluation.”

Individual Transition Plan (ITP). The ITP is an articulated, interagency educational plan designed to facilitate a student’s move from school to employment and quality adult life. The Individualized Education Plan/Individualized Transition Plan (IEP/ITP) addresses critical aspects of a student’s transition, including employment goals, residential placement, guardianship, transportation, independent living, and income support. The essential steps for developing transition plans in the IEP are:

1. Identify the student’s post-school goals or interests;
2. Describe the student’s strengths and present levels of academic achievement and functional performance;
3. Develop measurable postsecondary goals;
4. Describe the transition services needed.

Ideally, an ITP should be done in conjunction with an IEP and supports the development of appropriate goals for the student.

A 2007 publication that contains comprehensive information and a resource guide for Transition to Adult Living can be accessed at the following website:

http://calstat.org/publications/pdfs/transition_guide_07.pdf

PROCEDURAL SAFEGUARDS (Parent's Rights)

The law requires that school districts establish procedures to protect the rights of special education students and their parents or guardians; these procedures are called Procedural Safeguards.** These Procedural Safeguards also pertain to those serving as surrogate parents and students aged eighteen receiving special education services. They are described throughout this handbook as they relate to the different topics discussed; however, these rights are summarized below:

- ◆ the right of parents to give or refuse consent before their child is initially evaluated or placed in a special education program for the first time;
- ◆ the right of parents to inspect and review all of their child's educational records;
- ◆ the right of parents to obtain an independent educational evaluation (IEE) of their child (per SELPA policy);
- ◆ the right to prior written notice on matters regarding the identification, evaluation, or educational placement of their child, or the provision of FAPE to their child;
- ◆ the right to request a due process hearing on these matters, which must be conducted by an impartial hearing officer;
- ◆ the right to appeal the initial hearing decision to the State Educational Agency (SEA) if the SEA did not conduct the hearing;
- ◆ the right of the child to remain in his or her current educational placement, unless the parent and the agency agree otherwise, while administrative or judicial proceedings are pending (this provision has come to be known as the "stay-put" provision);
- ◆ the right to bring civil action in an appropriate State or Federal court to appeal a final hearing decision;
- ◆ the right of the parent to request reasonable attorney's fees from a court for actions or proceedings brought under IDEA (under certain circumstances);
- ◆ ****Please refer to the "Notice of Procedural Safeguards and Parents' Rights" for the El Dorado County Special Education Local Plan Area at the end of this handbook.**

Many of these procedural safeguards remain unchanged. Some have been amended, and some are new, as described below:

- ◆ Parents must now notify the public agency when they intend to remove their child from the public school and place the child in a private school at public expense. (10-day notice rule.)
- ◆ Parents must now notify the SEA or the LEA, as the case may be, when they

intend to file a due process complaint.

- ◆ States must now have a voluntary mediation or resolution session process in place, as a means of resolving dispute between LEAs and parents of children with disabilities.
- ◆ Specific requirements have been added to the law regarding the disciplining of children with disabilities. Under certain circumstances, such as the child bringing a weapon to school or a school function, the child may be removed from his or her current educational placement and placed in an interim alternative educational setting or suspended or expelled from school.
- ◆ Attorneys' fees may, under certain circumstances, be reduced or denied.

Parent Revocation of Consent for Student to Receive all Special Education and Related Services

Changes to the federal regulations for the Individuals with Disabilities Act give parents (or the adult student) the right to revoke their consent for the student to receive special education and related services. You can revoke your consent without any recourse from the district. You must submit this statement of revocation in writing and you are not required to state a reason. The district may inquire as to the reason, but you are not obligated to respond. Revocation may not be effective retroactively.

Upon receipt of your written request revoking consent for special education and related services, the district is required to provide you with Prior Written Notice acknowledging your revocation of special education and related services and must include the date on which all services will cease. This date must be within a reasonable time and the district may not postpone ceasing services. The district may not require the parent to attend a meeting to discuss the revocation. The district may not file for due process or dispute resolution to delay your request. Under the regulations, the district will not be considered in violation of FAPE by this revocation. Upon the cessation of services, your child will be considered a general education student for all purposes, including discipline, graduation and state testing requirements; procedural safeguards (with the exception of Child Find requirements provided under IDEA) will no longer be available to your child. Accommodations and modifications provided to your child under the IEP process will also be discontinued. The district is not required to amend your child's records to remove any references to your child's prior receipt of special education and related services. If your child attended a school other than his or her neighborhood school through the IEP process, there may be implications for your child's enrollment.

You may not choose to reinstate the consent for your child to receive special education and related services. However, you, or the district, may re-refer your child for special education at any time. In this case, the referral will be treated as an initial request for an evaluation, including timeline and assessment requirements.

DUE PROCESS AND PARENTS' RIGHTS

Due process is a right guaranteed by the Constitution of the United States and federal and state laws and regulations. In regard to special education, "due process" assures that both school agencies and parents have the right to request a hearing to resolve disagreements relative to the appropriateness of the special education programs and services offered or being provided to an individual child.

A due process hearing ensures that specific procedures and timelines are followed whenever there is a proposed significant change in a child's educational program and the change is challenged. Issues which may be included for consideration under the due process hearing concept are limited to:

- the identification of your child for special education eligibility;
- the assessment of your child;
- the educational placement of your child;
- the provision of a free appropriate public education (FAPE) for your child.

It is the intent of the Legislature that parties to special education disputes be encouraged to seek resolution through mediation **prior** to filing a request for a due process hearing. It is also the intent of the Legislature that these "voluntary prehearing request mediation conferences" be an informal process conducted in a non-adversarial atmosphere to resolve issues relating to the identification, assessment, or educational placement of the child, or the provision of a free, appropriate public education to the child, to the satisfaction of both parties. Therefore, attorneys or other independent contractors used to provide legal advocacy services, shall not attend, or otherwise participate in any alternatives to the hearing, or in the "prehearing request mediation conferences". Participating in a mediation conference is not, however, a prerequisite to requesting a due process hearing. Willingness to do so may be indicated to the Special Education Hearing Office at the Office of Administrative Hearings by requesting a "Mediation Only" conference.

Due process procedures include a Resolution Session, a mediation conference, and an administrative hearing at the state level. Parents are assured specific rights in connection with the due process procedures, including the right to waive the mediation conference. Either the parent or school district may submit a written request for a due process hearing to the:

Office of Administrative Hearings
Attn: Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
Phone: (916) 263-0880; Fax: (916) 376-6319

The following information must be provided by you or your representative as a part of your request:

1. Name of the child;
2. Address of the residence of the child;
3. Name of the school the child is attending; and
4. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s).

State law requires that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 USC 1415[h]; EC 56505[d] and [j]).

Opportunity for the District to Resolve the Complaint

OAH will then schedule a hearing date, within thirty (30) days of the date the due process hearing request is filed. A mediation conference, however, is encouraged, and the parties to the prehearing mediation conference must agree to extend the time for completing the hearing. This is different from the “voluntary prehearing request mediation conference”, even though it is also called “mediation”. In this situation, attorneys or other advocates are allowed to attend or participate. The due process hearing must be completed within forty-five (45) days; or for good cause, the OAH may extend the forty-five (45) day time limit, but only if the party who requested the hearing is agreeable to the extension.

Included in the rights of parents in relation to the due process hearing are:

- *The right to examine and receive copies of any documents contained in your child’s file*
- *The right to be accompanied at the hearing by a representative(s) of your choosing*
- *The right to give or withhold permission for placement of the child*
- *The right to be advised and represented by counsel and/or by individuals with special knowledge or training related to problems of disabled children*

Attorney fees may be recoverable under certain circumstances, in accordance with the “Handicapped Children’s Protection Act of 1986”-P.L. 99-372.

If either party disagrees with the decision of the Hearing Officer, they may appeal to a court of competent jurisdiction.

For more detailed information, consult your school district office or the Special Education Local Plan Area (SELPA) office, 530/295-2236.

ALTERNATIVES TO DUE PROCESS

At times, parents may have a disagreement between their school district's plans and the parents' wishes. The El Dorado County SELPA believes very strongly in positive, effective communication that is student-focused. In situations where parents are concerned about potential disagreements, they have several dispute resolution options to use for support, if a solution cannot be reached with communication with the district:

1. *Call your district's parent CAC representative. You can obtain the name and telephone number from your child's special education teacher or the SELPA office at (530) 295-2236.*
2. *Call your SELPA Program Specialist – (530) 295-2463. The El Dorado County Program Specialist can provide information regarding procedural laws and options for alternative methods for solving problems at the child's school and/or district.*
3. *Ask for a Facilitated IEP Meeting. A facilitated IEP Meeting is one with a clear agenda and special focus which identifies the area(s) of concern. It is facilitated by a trained, neutral person, usually from outside the district, specifically to address the area(s) of concern.*
4. *Ask for an Alternative Dispute Resolution (ADR) panel meeting (Solutions Panel). A Solutions Panel is composed of two trained persons, at least one of whom is a parent, and all of whom are from outside the district. They provide the opportunity to support enhanced communication between the parties by hearing the concerns, which are "in dispute". Both parties participate in crafting a mutually satisfying resolution.*

COMPLAINT

Call the Procedural Safeguards and Referral Service, 800/926-0648, if you have a complaint. The complaint procedure is used to allege a matter which, if true, would constitute a violation of federal or state law or regulation governing special education and related services, including allegations of unlawful discrimination. A parent may allege a violation by the district of federal or state law or regulation by filing a written complaint with the district's superintendent. If relief is not found, a complaint may be filed with the Superintendent of Public Instruction by calling the Complaint Management Unit of the California Department of Education at the number referred to above.

CONFIDENTIALITY OF INFORMATION

Each local educational agency has an obligation to protect the confidentiality of personally identifiable information which is gathered on children in special education. "Personally identifiable information" includes the name of the child, the child's parents, or other family members; address of the child or student number; or a list of personal characteristics or other information which would make it possible to identify the child with reasonable certainty.

Access to Records

As parent(s) or guardian(s), you have the right to inspect and review any education records relating to your child. A child who is eighteen (18) years of age or older has the same right to review records. With your approval, your representative may also look at the records.

If you want to look at your child's records, make a verbal or written request to the educational agency. Access to the records must be granted within five business days of your request. The agency may charge a small reasonable fee if you ask for a copy of the records. If you are financially unable to pay this fee, it may be waived. You may also make reasonable requests for explanations and interpretations of the records.

Amendment of Records

If you believe that the information contained within the education record is inaccurate or misleading or that it violates the privacy or other rights of your child, you may request the educational agency to amend the information in the student record.

All such requests are referred to the Superintendent who will meet with the parent and the employee who wrote the material or will designate a representative to do so. Following the meeting, the Superintendent or designee may direct that all, part, or none of the challenged material be removed.

If the parent is dissatisfied with this decision, you may, within thirty (30) days, appeal the decision in writing to the district Governing Board.

The Board, within thirty (30) days, is required to meet in closed session with the parent, the employee who wrote the material, and the Superintendent to review the actions taken.

The Board may sustain the actions of the Superintendent or modify them completely or partially, and order the Superintendent to take corrective action.

The actions of the Governing Board are final and all records of the proceedings are kept in a confidential manner.

If the decision is unfavorable to the parent, the parent may submit a written statement of their objections to the material. Such a statement becomes part of the pupil record.

Destruction of Records

Mandatory permanent records are not destroyed but are kept on file permanently for all students. Personally identifiable information about students may be retained permanently unless the parents request it be destroyed.

PARENTS' RECORD KEEPING

As the parent of a child with special needs, you will gather a tremendous amount of information about your child from various professionals and service agencies. Each time you seek services for your child, you may be asked to provide information about your child. Record keeping is not mandatory for parents of children with disabilities, but good records prove to be helpful in day-to-day contacts. The SELPA provides a folder to all parents of special education children in the El Dorado County SELPA. It, or any folder or binder of your choice, may be used to organize any paperwork for your child.

It may be helpful to have information on the following categories:

- Family History: May include child's birth date, place of birth, parent's name, address, phone number and family history.
- Developmental History of the Child: May include mother's health during pregnancy and any unusual circumstances at the birth of your child. May also include milestones and at what age your child reached them.
- Medical History and Reports: May include information on the child and family health history, nature of serious illnesses and operations, record of the child's immunization, and medications taken.
- Educational History: May include names and dates of schools attended, copies of IEPs, test results and progress reports.
- Services Received from Other Agencies: May include copies of records from any other agencies with which you have had contact.
- Correspondence: Keep copies of all correspondence written by you and received by you.

WHO DO I CALL FOR INFORMATION?

Special Education Community Advisory Committee (CAC)

Parents comprise a majority of the membership of the Special Education Community Advisory Committee, and of these members, the majority must be parents of children receiving special education services. Members of local PTCs or PTAs, special education teachers, general education classroom teachers and other school personnel, disabled students, and/or representatives of related public and private agencies may also be represented.

The Special Education Community Advisory Committee is advisory to the Special Education Local Plan Area (SELPA). The primary responsibilities and activities of the CAC include, but need not be limited to:

- *Advising the administration of the Special Education Local Plan Area and the Superintendent of the responsible Local Agency regarding the development and review of programs and services*
- *Informing and advising Special Education Local Plan Area staff regarding community conditions, aspirations, and goals for individuals with special needs*
- *Making recommendations and suggestions for annual priorities to be addressed*
- *Assisting in parent education and in recruiting parents, volunteers, and agencies who may contribute to the implementation of the Local Plan*
- *Encouraging community awareness and involvement in the development and review of the Local Plan*
- *Supporting activities on behalf of individuals with special needs*
- *Facilitating communication between schools, parents and community*

Participation in regular monthly meetings helps to keep members well informed about current programs and legislation, and facilitates closer communication and better understanding of the mutual goals of school administrators, faculty, parents, and the community.

Your school district Administrator of Special Education or the Special Education Local Plan Area (SELPA) office will be able to give you information on Special Education Community Advisory Committee meetings. You may also access meeting information by going to the website at www.edcoe.org/departments/selpa/cac.html

All meetings are open to anyone interested. Childcare is available during the meeting, but must be requested ahead of time as space is limited. Please call (530) 295-2232 to request childcare. We encourage your participation.

MEETING TIMES AND PLACES

Regular meeting times and places shall be established by the CAC, with all meetings of open to the public. CAC shall meet as frequently as necessary, but not less than three times between September and June. Special meetings of the CAC or subcommittees may be scheduled by the chairperson when necessary. A notice and agenda of all regularly scheduled meetings shall be mailed to the membership prior to the meeting.

VOTING

- A quorum shall exist when a majority of the School Districts who have appointed members have representatives present.
- A simple majority of a quorum is necessary for the conduct of usual business.

IMPLEMENTATION OF CAC RESPONSIBILITIES

- Members of the Community Advisory Committee have the responsibility to assist in the development and implementation of the Local Plan and setting priorities for special education programs operations by:
 - a. Actively participating and providing input at regularly scheduled CAC meetings.
 - b. Maintaining contact with the LEA special education staff and special education programs of the LEA to gain insight of local needs.
 - c. Periodically reporting CAC activities to LEA Governing Boards.
 - d. Serving on standing and special committees of the CAC.
- Community Advisory Committee members assist with parent education by:
 - a. Organizing and participating in parent support groups.
 - b. Developing and distributing informational materials of interest to parents, e.g., SELPA Parent Handbook.
 - c. Organizing, attending and participating in local, regional and state CAC workshops and conferences.
 - d. Emphasizing the importance of regular school attendance in public relation activities supported by the CAC.
- Community Advisory Committee members promote community involvement activities by:
 - a. Organizing and participating in community events such as the Kid's Expo.
 - b. Contributing to and participating in public relations efforts – news releases, photographs, etc.

CAC Representatives

For Special Education information, call the El Dorado County Community Advisory Committee (CAC) Chairperson Lisa Tomasello at (530) 672-0137, or contact your district's Special Education Director at the number listed below:

<u>District</u>	<u>Special Education Contact</u>	<u>Phone</u>
Black Oak Mine Unified School District	Drew Woodall	530 333-8300 x222
Buckeye Union School District	Nancy Dickerson	530 677-2261 x1011
Camino Union School District	Connie Cochran	530 644-2204
El Dorado Union High School District	Karen Schrick	530 622-5081 x7221
County Office of Education	Betsy Christ	530 295-2275
Gold Oak Union School District	Sylvia Shannon	530 626-3160
Gold Trail Union School District	Stephany Rewick	530 626-2595
Indian Diggings School District	Rusty Vardy	530 620-6546
Latrobe School District	Jean Pinotti/Cheryl Weidert	530 677-0260
Mother Lode Union School District	Judy Bryant	530 622-6464 x2239
Pioneer Union School District	Cheryl Hanzlik	530 620-4393
Placerville Union School District	Donna Bazett	530 622-7216 x2233
Pollock Pines School District	Ralph Haslam	530 644-2384
Rescue Union School District	Patti Stevens	530 672-4804

EL DORADO COUNTY SELPA STAFF

Emi Johnson, Senior Director	ejohnson@edcoe.org	530 295-2228
Tammy Watson, Assistant Director	twatson@edcoe.org	530-295-2453
Dubravka Tomazin, Program Specialist	dtomazin@edcoe.org	530 295-2463
Tamara Clay, Program Specialist	tclay@edcoe.org	530-295-2464
Faye Eastman, Program Specialist	feastman@edcoe.org	530-295-2289
Kathleen Hall, Program Assistant	khall@edcoe.org	530 295-2236
Angela Chance, Secretary	achance@edcoe.org	530 295-2232
Deanna Santana, Secretary	dsantana@edcoe.org	530 295-2478
Pamela Garcia, Secretary	pgarcia@edcoe.org	530-295-2461
Patti Mercer	pmercer@edcoe.org	530-295-2463

Mailing Address: 6767 Green Valley Road, Placerville, CA 95667

Physical Address: 1575 Old Ranch Road, Placerville, CA 95667

RESOURCES FOR PARENTS/GUARDIANS

Here is a list of CAC's favorite resources. For more resources, call the SELPA office at (530) 295-2463, or the CAC representative for your district.

PUBLICATIONS

- *Special Education Rights and Responsibilities*, by Community Alliance for Special Education Protection and Advocacy, (800) 776-5746
- *ADDitude Magazine*, (800) 856-2032
- *The Special Edge*, Napa County Office of Education, California Services for Technical Assistance and Training (CalStat), 5789 State Farm Drive, Suite 230, Rohnert Park, CA 94928-3609 or <http://calstat.org/infoPublications.html>
- *Services and Resources, California Department of Education (CDE)* : <http://www.cde.ca.gov/sp/se/sr/index.asp>
- *California Parent Organizations, (CDE)*: <http://www.cde.ca.gov/sp/se/qa/caprntorg.asp>
- *Family Involvement and Partnerships (CDE)*: <http://www.cde.ca.gov/sp/se/fp/>
- *greatschools (formally known as Schwab Learning)* <http://www.schwablearning.org/>

CONTACTS

- El Dorado County SELPA (530) 295-2463
www.edcoe.org/departments/selpa/cac
- Legal Services of Northern California (916) 551-2150
- Alta California Regional Center (530) 626-1353
- Area Board III (916) 324-7426
- Protection & Advocacy, Inc. (800) 776-5746
- Warmline Family Resource Center (800) 660-7995
<http://www.warmlinefrfc.org/index.html>

GLOSSARY OF TERMS

Adapted Physical Education: An individual program of developmental activities, games, sports, and rhythms suited to the interests, capacities, and limitations of students with disabilities who may not safely or successfully engage in unrestricted participation in the vigorous activities of the general physical education program.

Advocate: Anyone who supports the cause of a person with disabilities or group of people with disabilities, especially in legal or administrative proceedings or public forums.

Attention Deficit Hyperactivity Disorder (ADHD): Diagnostic category of the American Psychiatric Association for a condition in which a child exhibits developmentally inappropriate inattention, impulsivity, and hyperactivity.

Auditory Processing: The ability to understand and use information that is heard, both words as well as other non-verbal sounds.

Autistic: A term applied to children who exhibit the characteristics of autism, a severe disorder characterized by the inability to communicate through meaningful speech and the inability to develop relationships with other persons due to withdrawal.

Behavior Disorder: A disability characterized by behavior that differs markedly and chronically from current social or cultural norms and adversely affects educational performance.

Behavior Intervention Plan: Effective May 20, 1993, any student with an Individualized Education Program (IEP) who exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives on the student's IEP must have a behavioral intervention plan (BIP) developed by an IEP team with a behavioral intervention case manager. The behavioral intervention plan must now become a part of the IEP under Sections 3001 and 3052 in Title 5, California Code of Regulations. These sections mandate that attempts to change serious and pervasive behavior problems result in lasting positive changes; provide greater access to community, social and public events; that the behavioral interventions do not cause pain or trauma, and that the interventions respect the dignity and privacy of the individual. In the event of a behavioral emergency, procedures are now defined which govern the range of responses to that emergency.

Behavior Modification: The systematic application of procedures derived from the principles of behavior (e.g., reinforcement) in order to achieve desired changes in behavior.

Behavioral Objectives: A precise measurable statement of what the pupil is expected to achieve, including the conditions under which the pupil will achieve and the criteria for measuring the achievement.

Glossary *(continued)*

Behavioral Support Plan: IDEA requires the IEP team to address “behavior that impedes his or her learning or that of others” (IDEA Section 614(d)(2)(B)), and the Federal Regulations further point out that “positive behavior interventions, strategies and supports” are to be considered supplementary aids and supports if needed. A Positive Behavior Support Plan is recommended for a student who is experiencing difficulty with behavioral issues even after positive supports are put into place in the least restrictive environment. It is designed to be an earlier, intervention than a Behavior Intervention Plan (BIP) in California Education Code. (Hughes Bill)

Case Management: A service that assists student/clients to obtain and coordinate community resources such as income assistance, education, housing, medical care, treatment, vocational preparation, and recreation.

Cerebral Palsy: Motor impairment caused by brain damage, which is usually inflicted during the prenatal period or during the birth process. Can involve a wide variety of symptoms and range from mild to severe. It is neither curable, nor progressive.

Department of Rehabilitation: A state agency that purchases services, through the Vocational Rehabilitation and Habilitation Services programs, which address work-related aspects of a person’s development.

Designated Instruction and Services (DIS): (Also known as related services) Specialized instruction and/or support services identified through an assessment and written on an IEP as necessary for a child to benefit from special education (e.g., speech/language therapy, low vision services, vocational specialist, etc.)

Disability: Technically, refers to the reduced function or loss of a particular body part or organ. In practice, disability is often used to describe a mental or physical impairment that restricts one’s ability to function.

Down Syndrome: A chromosomal anomaly that often causes moderate to severe intellectual disability along with certain physical characteristics such as large tongue, heart problems, poor muscle tone, and a broad flat bridge of the nose.

Due Process: Set of legal steps and proceedings carried out according to established rules and principles; designed to protect an individual’s constitutional and legal rights.

Dyslexia: An impairment in reading ability or partial ability to read; often associated with cerebral dysfunction or minimal brain dysfunction. An individual with this condition does not understand clearly what he/she reads. A more generic term for learning problems including dyslexia is learning disability.

Emotional Disturbance (ED): One or more of a set of characteristics which adversely affect educational performance; characteristics include an inability to learn which cannot be otherwise explained; an inability to build or maintain interpersonal relationships; inappropriate behaviors or feelings; depression; or school phobia.

GLOSSARY *(continued)*

Free Appropriate Public Education (FAPE): A free appropriate public education is one provided by the public elementary or secondary school, which includes general or special education and related aids and services that are 1) designed to meet the individual educational needs of persons with a disability as adequately as the needs of a non disabled person are met, and 2) based upon adherence to evaluation, placement and procedural safeguard requirements

Fetal Alcohol Syndrome (FAS): A condition sometimes found in the infants of alcoholic mothers; can involve low birth weight, developmental delay, cardiac, and/or limb, and other physical defects.

Habilitation: The process through which individuals are assisted in acquiring and maintaining skills which enable them to cope more effectively with their personal needs and circumstances of their environments, and to strive to reach their full physical, mental, and social potential.

Hearing Impaired: Describes anyone who has a hearing loss significant enough to require special education training, and /or adaptations; includes both deaf and hard of hearing conditions.

Inclusion: Full inclusion refers to the inclusion of a student with special needs in an age appropriate general education classroom at the student's neighborhood school. The student moves with peers to subsequent grades. All related services are provided in the general education classroom through a collaborative approach, except where privacy is an issue. Curriculum may be district core curriculum as for the other students or modified core curriculum to provide physical assistance, adapted content and /or material, multi-level curriculum, curriculum overlapping (same activity, same goals) or substitute curriculum.

Individualized Educational Plan (IEP): A written educational prescription developed by a school for each child with a disability. An IEP must contain:

- the child's present levels of educational performance
- annual and short-term educational goals
- the specific education program and related services that will be provided to the child
- the extent to which the child will participate in general education program with non-disabled children

Individualized Family Services Plan (IFSP): A requirement of PL 99-457, Education of the Handicapped Act Amendments of 1986, for the coordination of early intervention services for infants and toddlers with disabilities. Similar to the IEP in that is required for all school-age children with disabilities whose families wish to receive Early Start (special education) services in California.

Individualized Program Plan (IPP): An annually reviewed record of program and service needs provided by Regional Centers (e.g., respite care, behavior management training, etc.).

GLOSSARY *(continued)*

Individualized Services Plan (ISP): A plan offered to parents whose children qualify for special education services under IDEA, but who decline special education services in the public schools. Speech and language and vision services are offered in an ISP for those students who qualify within the El Dorado County SELPA.

Individualized Transition Plan (ITP): An articulated, interagency educational plan designed to facilitate a student's move from school to employment and a quality adult life. The IEP/ITP addresses critical aspects of a student's transition, including employment goals, residential placement, guardianship, transportation, independent living, and income support. An ITP must be done in conjunction with an IEP for all students who are 16 years of age and above.

Integration: Integration refers to the inclusion and interaction of students with special needs in an age appropriate general education program and/or classroom from which they are able to derive educational benefit in a variety of areas including social skills and interactions, communication and language skills, classroom skills, independent living/vocational skills, and academic skills. Integration is an on-going process related to the individual needs of students.

Intellectual Disability: Federal law defines intellectual disability as "...significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance."

Learning Disability (LD): A lack of achievement compared to ability in a specific learning area(s) within the range of achievement of individuals with comparable mental ability. Most definitions emphasize a basic disorder in psychological processes involved in understanding and using spoken or written language.(See *Specific Learning Disability*.)

Least Restrictive Environment (LRE): A concept expressed by the courts in the 1970's, mandating that each person with a disability should be educated or served in the most "normal" setting and atmosphere. This led to the concept and practice of mainstreaming.

Legally Blind: Visual acuity of 20/200 or less in the better eye after the best possible correction with glasses or contact lenses, or vision restricted to a field of 20 degrees or less. Acuity of 20/200 means the eye can see clearly at 20 feet what the normal eye can see at 200.

Mainstreaming: A term referring to the predefined period of time during which a special education student participates in general education activities, either academic or non academic (e.g., math, reading, lunch, recess, and art).

Mental Illness: A condition that results in deviant thinking, feeling and behavior to a degree that causes difficulty in adjusting to life.

GLOSSARY *(continued)*

Occupational Therapist: A professional who plans and/or delivers instructional activities and materials to help children and adults receive educational benefit from special education goals.

On-the-Job Training: A method of teaching students with disabilities specific work skills by assigning them to employment on competitive jobs for part of a day or sometimes a full day.

Orthopedic Impairment: Any disability caused by disorders of the musculoskeletal system.

Physical Therapist: A professional trained to help people with disabilities develop and maintain muscular and orthopedic capability.

Program Specialist: A Program Specialist is a specialist who holds a valid special education credential, health services credential, or a school psychologist authorization, and who has advanced training and related experience in the education of individuals with exceptional needs and a specialized, in-depth knowledge of special education services.

Regional Occupational Center/Program (ROC/P): The concept of ROC/Ps originated with Senate Bill 1379 and was enacted into law by the California Legislature in 1963. These centers and programs are intended to provide vocational and occupational instruction related to the attainment of skills for the upgrading of existing skills so that trainees are prepared for gainful employment.

Rehabilitation: A social service program designed to teach a newly disabled person basic skills needed for independence.

Rehabilitation Department: Department of Rehabilitation is a state agency that purchases services through the Vocational Rehabilitation and Habilitation Service programs, which address work-related aspects of a person's development.

Resource Specialist Program (RSP): Students placed in this program may be "pulled out" of the general classroom for special assistance during specific periods of the day or week and are taught by credentialed special education Resource Specialists or Instructional Assistants, or they may be given assistance (push-in) within the General Education classroom.

Section 504: Under the Rehabilitation Act of 1973, this section prohibits discrimination against persons with disabilities in employment and other fields. A set of regulations (Federal Register, May 4, 1977) was established in an effort to assure their civil rights.

Special Day Class (SDC): A self-contained classroom in which only students who require special education instruction for more than 50% of the school day are enrolled.

GLOSSARY *(continued)*

Special Education: The individually planned and systematically monitored arrangement of physical settings, special equipment and materials, teaching procedures, and other interventions designed to help learners with special needs achieve the greatest possible personal self-sufficiency and success in school and community.

Special Education Local Plan Area (SELPA): The service area covered by the local plan developed under subdivision (a) (b) or (c) of Section 56170 of the Education Code. It may be comprised of one or more school districts or county offices which may choose to join together in planning and delivering special education services for children within their boundaries.

Special Education Community Advisory Committee (CAC): A committee of parents and guardians, including parents and guardians of individuals with exceptional needs, and representatives from schools and community agencies established to advise the SELPA regarding the development and review of programs under the local comprehensive plan.

Specific Learning Disability (SLD): A disability which involves a severe discrepancy between intellectual ability and academic achievement due to a disorder in one or more of the basic psychological processes and is not primarily the result of visual, hearing or motor disabilities, intellectual disability, or of environmental, cultural, or economic disadvantage.

Student Study Team (SST): A general education process designed to make preliminary modifications within the general education program of a student not succeeding in class (sometimes referred to as a “Child Study Team” or “Student Success Team”).

Transition: Transition is a purposeful, organized, and outcome-oriented process designed to help special education students move from school to employment and a quality adult life. Expected student outcomes include meaningful employment, a further education, and/or participation in the community.

Traumatic Brain Injury: Term used in professional practice; applies only to person with acquired brain injuries caused by an external physical force. Does not apply to injuries caused by internal occurrences such as infections, tumors, fever, exposure to toxic substances, or near drowning. Educational performance may meet the criteria of one of the other disability categories, such as “other health impaired”, “specific learning disabilities”, or “multiple disabilities”.

WorkAbility: Program which promotes independent living and provides comprehensive pre-employment worksite training, employment and follow-up services for youth in special education who are making the transition from school to work, post-secondary education, or training.



**EL DORADO COUNTY SELPA
SPECIAL EDUCATION LOCAL PLAN AREA**

6767 Green Valley Road
Placerville, California 95667
(530) 295-2236

NOTICE OF PROCEDURAL SAFEGUARDS AND PARENTS' RIGHTS

*Special Education Rights of Parents and Children
Under the Individuals with Disabilities Education Act, Part B
2004 Reauthorization (H.R. 1350)*

INTRODUCTION

This information provides you as parents, legal guardians, persons authorized to make educational decisions, and surrogate parents of children with disabilities from 3 years of age through age 21 with an overview of your educational rights, sometimes called procedural safeguards. This notice is also provided for students who are entitled to these rights at age 18. (20 USC 1415; EC 56321) A copy of these safeguards will be given to you once a year. Additional copies may be given upon an initial referral or parent request for evaluation, upon the first occurrence of the filing of a complaint under Section 615(b) (6) of H.R. 1350, upon provision of an assessment plan to parents and at your request. If your district has a website, a copy of these procedural safeguards may be made available to you through that website. [615(d) (1) (A-B)] You may elect to receive this notice and other notices required under this section by an electronic mail (e-mail) communication, if your district makes such an option available. [615(n)]

Participation in making decision about your child's education

You have the right to refer your child for special education services. You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in an IEP meeting about the identification (eligibility), assessment, educational placement of your child and other matters relating to your child's free appropriate public education. [20 USC 1414(b)(c)(d) and (f); EC 56341(b), 56343(c)]

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

Additionally, you have the right to electronically record the meeting on an audio tape recorder. The law requires that you notify the district at least 24 hours prior to meeting if you intend to record the proceedings. (EC 56341.1)

Additional Assistance

When you have a concern about your child's education, it is important that you call or contact your child's teacher or administrators to talk about your child and any problems you see. Staff in the Special Education Department can answer questions about your child's education, your rights and procedural safeguards. When you have a concern, this informal conversation often solves the problem and helps maintain open communication. Additional resources are listed at the end of this document to help you understand the procedural safeguards.

NOTICE, CONSENT, ASSESSMENT, AND ACCESS

Prior Written Notice

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

- identify your child as a child with a disability, or change your child's eligibility from one disability to another;
- evaluate or reevaluate your child;
- provide a free appropriate public education to your child, or change a component of your child's free appropriate public education;
- place your child in a special education program; or,
- change your child's special education placement. (20 USC 1415[b]; EC 56500.4)
- acknowledge receipt of a parental request to revoke consent for all special education and related services.

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

The Prior Written Notice must include the following:

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

If the notice is not in regard to an initial referral for assessment, the notice must provide a statement that you have protection under procedural safeguards, information on how you can obtain a copy of described procedural safeguards, and sources of additional assistance in understanding the procedural safeguards. (20 USC 1415[c])

Parent Consent

Parents' written approval is required for:

- **First Evaluation:** The school district must have your informed written consent before it can evaluate your child. You will be informed about the evaluations to be used with your child. Your school district must make reasonable efforts to obtain your informed consent for a first evaluation.
- **Re-evaluation:** The school district must have your informed written consent before reevaluating your child. To avoid confusion, you should inform the school in writing if you want to refuse consent to a reevaluation. The school district may reevaluate your child without your written consent if the school district has taken reasonable measures to get your consent and you have not responded.
- **Initial and Continued Placement in Special Education:** You must give informed written consent before the school district can place your child in a special education program. You can refuse consent for an evaluation, a reevaluation or the initial placement of your child in special education. The school district may seek to evaluate or continue your child's placement in special education through a due process hearing, if it believes that it is necessary for your child's education. You and the school district may agree to first try mediation to resolve your disagreements.(EC 56321[c], 56346, 56506[e]; 20 USC 1414[a][c])

Consent forms must describe the activity for which consent is sought and list the records (if any) that will be released and to whom. You can revoke consent at any time, except that revocation is not retroactive (does not negate actions that occurred after consent was given and before consent was revoked). (34 CFR 300.300)

Surrogate Parent Appointment

In order to protect the rights of the child, school districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent. A surrogate parent may be appointed if the child is an adjudicated dependent or ward of the court under the state Welfare and Institutions Code and the child is referred to special education or already has an IEP. A district must make reasonable efforts to appoint a surrogate within 30 days after determining that a surrogate is needed. (20 USC 1415[b]; EC 56050)

Age of Majority

When your child reaches the age of 18, all rights under Part B of the Individuals with Disabilities Education Act (IDEA) will transfer to your child. The only exception will be if your child is determined to be incompetent under State Law. (34 CFR 300.517 30; EC 56041.5)

Parent Revocation of Consent for Student to Receive all Special Education and Related Services

Changes to the federal regulations for the Individuals with Disabilities Act give parents (or the adult student) the right to revoke their consent for the student to receive special education and related services. You can revoke your consent without any recourse from the district. You must submit this statement of revocation in writing and you are not required to state a reason. The district may inquire as to the reason, but you are not obligated to respond. Revocation may not be effective retroactively.

Upon receipt of your written request revoking consent for special education and related services, the district is required to provide you with Prior Written Notice acknowledging your revocation of special education and related services and must include the date on which all services will cease. This date must be within a reasonable time and the district may not

“Education record” means those records that are directly related to a pupil and maintained by an educational agency or a party acting for the agency or institutions, and may include (1) the name of the child, the child’s parent or other family member; (2) the address of the child; (3) a personal identifier such as the child’s social security number, student number, or court file number; (4) a list of personal characteristics or other information that would make it possible to identify the child with a reasonable certainty. Both federal and state laws further define a pupil record as any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his duties whether recorded by handwriting, print, tapes, film, microfilm, computer or by other means. Pupil records do not include informal personal notes prepared and kept by a school employee for his/her own use or the use of a substitute. If records contain information about more than one student, a parent can have access only to that portion of the record pertaining to his/her child.

Pupil records may be kept at the school site or district office, but a written request for records at either site will be treated as a request for records from all sites. The district custodian of records will provide you with a list of the types and locations of pupil records (if requested).

The custodian of the records shall limit access to those persons authorized to review the pupil record, which includes the parents of the pupil, a pupil who is at least sixteen years old, individuals who have been authorized by the parent to inspect the records, school employees who have a legitimate educational interest in the records, post secondary institutions designated by the pupil, and employees of federal, state and local education agencies. Unauthorized access will be denied unless the parent has provided written consent to release the records or the records are released pursuant to a subpoena or court order. The district shall keep a log indicating the time, name and purpose for access of those individuals who are not employed by the school district.

You have a right to inspect and review all of your child’s educational records without unnecessary delay, including prior to a meeting about your child’s IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five business days after the request has been made orally or in writing. A fee for copies, but not the cost to search and retrieve, may be charged unless charging the fee would effectively deny access to the parent. *(20 USC 1415[b]; EC 56501, 56504, and 49069)*

Parents who believe that information in the education records collected, maintained or used by the school district is (among other things) inaccurate, misleading or violates the privacy or other rights of the pupil may request in writing that the school district amend the information. If the district concurs, the record will be amended and the parent will be informed. Should the district refuse to make the amendment requested, the district shall notify the parent of the right to and provide a hearing, if required, to determine whether the challenged information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the pupil. If it is decided by the governing board after the hearing that a record will not be amended, the parent shall have the right to provide what he/she believes is a corrective written statement to be permanently attached to the record. The district has policies and procedures governing the retention and destruction of records. Parents wishing to request the destruction of records, which are no longer necessary to the school district, may contact the District’s Custodian of Records. However, the district is required to maintain certain information in perpetuity. *(34CFR99; CFR300.561—573; 20USC 1415 [b](1); 34 CFR 500.567; EC 49070)*

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

The public education agency initiates and conducts meetings for the purpose of developing, reviewing and revising the individualized education program of each child with a disability. The IEP documents the child’s eligibility for special education services and parents receive a copy of each IEP for their child. These meetings are conducted by the individualized education program (IEP) team.

When the IEP has been completed and appropriate parental consent has been provided, it is implemented as soon as possible following the IEP team meeting. A copy of the IEP is provided to the parents at no cost and if necessary, a copy of the IEP will be provided in the primary language of the parent(s), at the request of the parent(s). An individualized family service plan (IFSP) for a child aged three through five may serve as the IEP after a full explanation of the difference and written parent consent. The IEP team must consider the concerns of the parents for enhancing the education of their child.

IEP Team Members and Responsibilities

The IEP team includes:

- An administrator or a representative designated by administration who is knowledgeable about program options appropriate for the child and who is qualified to provide, or supervise the provision of special education;
- At least one general education teacher of the child, if the child is, or may be participating, in the general education environment;
- At least one special education teacher of the child, or if appropriate, at least one special education provider of the child; and,
- One or both of the child's parents, individuals selected by the parent, or both.

When appropriate, the IEP team will also include:

- The child, including when the team will discuss transition services;
- Other persons who possess expertise or knowledge necessary for the development of the IEP;
- When the child has been assessed for purposes of developing, reviewing or revising the IEP, a person who has conducted an assessment of the child or who is knowledgeable about the assessment procedures used to assess the child and is familiar with the results of the assessment; and,
- When the child is suspected to have a learning disability, at least one member of the IEP team, other than the child's regular teacher, will be a person who has observed the child's educational performance in an appropriate setting. If the child is younger than five years or is not enrolled in a school, a team member will observe the child in an environment appropriate for a child that age.

A member of the IEP team may be excused from an IEP team meeting, in whole or in part, when the LEA and the parent agree that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed at the meeting. When the member's area of curriculum or related services is being modified or discussed at the meeting, a required member of the IEP team may be excused, but only when the LEA and the parent consent to the excusal in writing, and the member submits in writing input into the development of the IEP prior to the meeting. The excusal provisions do not apply to parents, the student or persons with special knowledge or expertise.

If the child does not attend an IEP team meeting where transition services will be discussed, the district will ensure that the child's needs and preferences are considered. The district may invite representatives from other agencies that are likely to be responsible for transition services.

HOW DISPUTES ARE RESOLVED

Due Process Hearing

You have the right to request an impartial due process hearing regarding:

- The identification of your child for special education eligibility.
- The assessment of your child.
- The educational placement of your child.
- The provision of a free appropriate public education (FAPE) for your child.

The request for a due process hearing must be filed within two years from the date you knew or had reason to know of the facts that were the basis for the hearing request. [H.R.1350 §615(f)(3)(C)]

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

- a) the district misrepresented that it had resolved the problem
- b) the district withheld information that should have been provided to you. [H.R.1350 §615(f)(3)(D)]

Mediation and Alternative Dispute Resolution (ADR)

You may ask the school district to resolve disputes through mediation, which is less adversarial than a due process hearing. Alternative Dispute Resolution (ADR) may also be available in your district. Mediation and ADR are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing. The parents and the school district must agree to try mediation before mediation is attempted. A mediator is a person who is trained in strategies that help people come to agreement over difficult issues. (20 USC 1415[e]; EC 56500.3)

Due Process Rights

You have a right to:

1. Have a fair and impartial administrative hearing at the state level with a person who is knowledgeable of the laws governing special education and administrative hearings (*EC 56501[b]*);
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (*EC 56505[e]*; *20 USC 1415[h]*);
3. Present evidence, written arguments, and oral arguments (*EC 56505[e]*);
4. Confront, cross-examine, and require witnesses to be present (*EC 56505[e]*);
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (*EC 56505[e]*; *20 USC 1415[h]*);
6. Have your child present at the hearing (*EC 56501[c]*);
7. Have the hearing be open or closed to the public (*EC 56501[c]*);
8. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten calendar days prior to the hearing (*EC 56505[e]* and *56043[s]*; *20 USC 1415[b]*);
9. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five business days before a hearing. (*EC 56505[e]*);
10. Have an interpreter provided at the expense of the California Dept. of Education (*CCR 3082[d]*);
11. Have a mediation conference at any point during the due process hearing (*EC 56501[b]*); and
12. Receive notice from the other party, at least ten days prior to the hearing that it intends to be represented by an attorney. (*EC56507[a]*)

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as a part of the costs to you as the parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be awarded following the conclusion of the administrative hearing with the agreement of the parties. (*20 USC 1415[i]*; *EC 56507[b]*)

Fees may be reduced for any of the following:

1. The court finds that you unreasonably delayed the final resolution of the controversy;
2. The hourly attorneys' fees exceed the prevailing rate in the community for similar services by attorneys of reasonable comparable skill, reputation and experience;
3. The time spent and legal services provided were excessive; or
4. Your attorney did not provide to the school district the appropriate information in the due process complaint.

Attorneys' fees will not be reduced, however, if the court finds that the state or the school district unreasonable delayed the final resolution of the action or proceeding or there was a procedural safeguards violation. (*20 USC 1415[i]*)

Attorneys' fees may not be awarded relating to any meeting of the IEP team unless an IEP meeting is convened as a result of a due process hearing proceeding or judicial action. Attorney fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten days before the hearing begins and the hearing decision is not more favorable than the settlement offer. (*20 USC 1415[d]*)

Filing a Written Due Process Complaint

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

**Office of Administrative Hearings
Attn: Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
Phone: (916) 263-0880; Fax: (916) 376-6319
(916) 274-6035 after hours settlement line**

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

1. Name of the child;
2. Address of the residence of the child;
3. Name of the school the child is attending; and
4. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s).

State law requires that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 USC 1415[h]; EC 56502[c])

Child's Placement While Due Process Proceedings are Pending

According to the "stay put" provision of the law, a child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 USC 1415[j]; EC 56505[d]and [i])

Opportunity for District to Resolve the Complaint

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

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

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

If the parents and the district are unable to resolve the due process complaint and it goes to hearing, the hearing decision is final and binding on both parties. Either party can appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC 1415[l]; EC 56505[g] and [i]; EC 56043[u])

SCHOOL DISCIPLINE AND PLACEMENT PROCEDURES FOR STUDENTS WITH DISABILITIES

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

If a child exceeds ten days in such a placement, a meeting must be held to determine whether the child's misconduct is caused by the disability. This meeting must take place immediately, if possible, or within ten school days of the school district's decision to take this type of disciplinary action. (20 USC 1415[k])

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

If you disagree with the team's decision, you may request an expedited due process hearing from the Office of Administrative Hearing. (20 USC 1415[k])

Placement in an Interim Alternative Educational Setting

Under Federal law, a school district may place a child in an appropriate interim alternative placement for up to forty-five school days under certain circumstances. Those circumstances are when the child has a weapon, or has knowingly possessed or used illegal drugs or sold controlled substances at school or a school function, or has inflicted serious bodily injury upon another person. (20 USC 1415[k])

If you request a hearing or an appeal regarding disciplinary action or manifestation determination, your child will stay in the interim alternative setting or disciplinary setting unless the maximum time for that setting is reached, or the parents and school district agree to another placement. (34 CFR 300.526)

Alternative educational settings, when permissible, must allow the child to continue to participate in the general curriculum and receive services designed to address the behavior so it does not recur. (20 USC 1415[k])

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 in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf and from 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 <http://www.cde.ca.gov/sp/ss/> or ask for more information from the members of your child's IEP team.

CHILDREN ATTENDING PRIVATE SCHOOL

The school district is responsible for the full cost of special education in a nonpublic, nonsectarian school, when the school district, together with the IEP Team, recommends that this would be the appropriate placement for the student. (20 USC[a][10][B]; CFR 300.401; CFR 300.349[c]; EC 56361)

Observation of Your Child at a Nonpublic School

If you unilaterally place your child in a nonpublic school and you propose the placement in the nonpublic school to be publicly financed, the school district must be given the opportunity to first observe the proposed placement and your child in the proposed placement. The school district may not observe or assess any other child at the nonpublic school without permission from the other child's parent or guardian. (EC 56329(d))

Unilateral Parent Placement in Nonpublic or Private School

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

A court or hearing officer may not reduce or deny reimbursement to you if you failed to notify the school district for any of the following reasons:

- Illiteracy and inability to write;
- Giving notice would likely result in physical or serious emotional harm to the child;
- The school prevented you from giving notice; or
- You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of this notice requirement. (20 USC 1412[a]; 34 CFR 300.403)

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon written notice from the school district. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district and did not give notice of your concerns and intent to enroll your child in a private school at public expense.

Notifying the District

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

- At the most recent IEP meeting you attended before removing your child from the public school; or
- In writing to the school district at least ten business days (including holidays) before removing your child from the public school. (20 USC 1412[a]; 34 CFR 300.403)

The district is not obligated to offer a free appropriate public education to a child whose parent(s) have voluntarily enrolled that child in a private school. In such cases, the district will propose an Individual Services Plan for Private School Students. (20 USC 1412(a)(10)(A)(i))

COMPLAINT PROCEDURES

State Appeal Process

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

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

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

Within 60 days after a complaint is filed, the California Dept. of Education will: carry out an independent investigation, give the complainant an opportunity to provide additional information, review all information and make a determination as to whether the LEA has violated laws or regulations and issue a written decision that addresses each allegation.

For complaints involving issues not covered by IDEA, consult your district's Uniform Complaint Procedures.

The District would like to work with you to resolve all complaints at the local level whenever possible. We invite you to meet with the administrator who has been designated to work with compliance issues and attempt to resolve your concern informally before a complaint is filed. S/he will maintain confidentiality as permitted by law. If your complaint cannot be resolved, a formal investigation will be initiated or you will be referred to the appropriate agency for assistance.

District Contact Information (updated 10/18/10)

Please contact the Special Education Administrator at the phone number listed below for your school district if you:

- Would like additional copies of the Notice of Procedural Safeguards
- Need assistance in understanding the provisions of your rights and safeguards
- Require a translation orally, by other means, in a different language or other mode of communication

<u>District</u>	<u>Special Education Contact</u>	<u>Phone</u>
Black Oak Mine Unified School District	Drew Woodall	530 333-8300 x222
Buckeye Union School District	Nancy Dickerson	530 677-2261 x1011
Camino Union School District	Connie Cochran	530 644-2204
El Dorado Union High School District	Karen Schrick	530 622-5081 x7221
County Office of Education	Betsy Christ	530 295-2275
Gold Oak Union School District	Sylvia Shannon	530 626-3160
Gold Trail Union School District	Stephany Rewick	530 626-2595
Indian Diggings School District	Rusty Vardy	530 620-6546
Latrobe School District	Jean Pinotti/Cheryl Weidert	530 677-0260
Mother Lode Union School District	Judy Bryant	530 622-6464 x2239
Pioneer Union School District	Cheryl Hanzlik	530 620-4393
Placerville Union School District	Donna Bazett	530 622-7216 x2233
Pollock Pines School District	Ralph Haslam	530 644-2384
Rescue Union School District	Patti Stevens	530 672-4804

If you need additional assistance beyond your Local District/County Office or wish general information regarding Special Education program and services within the El Dorado County Special Education Local Plan Area (SELPA) you may contact the SELPA, at (530) 295-2236 or visit the SELPA Website at <http://www.edcoe.org/departments/selpa>