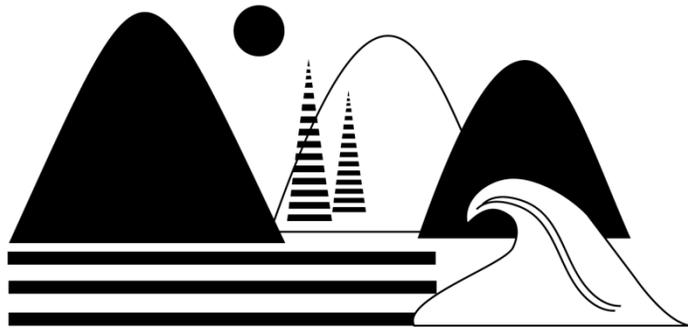


Parent Handbook for Special Education



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Community Advisory Committee for Special Education
North Santa Cruz County SELPA
Revised September 2014

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Also many thanks to the parents on our handbook committee who have given their time in revising the handbook for North Santa Cruz County SELPA: Rebecca Cernac, Maria Rodriguez-Castillo, and Carmel Weifert.

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INTRODUCTION

We wrote this handbook to help parents understand more about the processes of special education and your important role as a partner in education. We hope it will help you to become fully involved in the team effort of obtaining the most appropriate educational program for your child.

The contents of this handbook are based on the most recent federal and state laws. However, laws and regulations change constantly. The content of the handbook will be revised as needed to reflect those changes.

SPECIAL EDUCATION LAWS

The Individuals with Disabilities Education Act (IDEA)

Public Law 94-142, the Education for Handicapped Children Act of 1975, was the first federal law, which guaranteed every child with a disability the right to a free and appropriate public education (FAPE) in the least restrictive environment (LRE).

This law also provided that each child:



- Is guaranteed a culturally unbiased, valid assessment in all areas of the suspected disability;
- Is to have an Individualized Education Program (IEP) designed to meet his/her unique needs;
- Is guaranteed specific procedures to insure his/her rights and those of their parents (due process procedures).

Public Law 94-142 states that all children with disabilities need and have the right to an education to become as self-sufficient and productive as possible in adult society, and that children with disabilities should be educated to the maximum extent possible with non-disabled students. This is what's known as the Least Restrictive Environment or LRE.

In 1990 the law was re-authorized as Public Law 101-476 by President Bush and was re-named the Individuals with Disabilities Education Act (IDEA). In 2004, IDEA was reauthorized and amended into law.

PARENTS' ROLES

Parents as Partners

Parents are valued partners, and parent participation is one of the outstanding features of current legislation concerning exceptional children. One example of this participation is this handbook. It was designed and prepared by parents of children with disabilities.



As a parent you are entitled to an active role in the special education process. From the referral to the placement in a special education program, you play an important part. As you play this key role in your child's education, it is important you understand fully all the ways you can participate as a partner.

Your rights and responsibilities as a parent in the identification, assessment, educational planning, placement, and appeals processes are specifically outlined in this handbook. Read them carefully and use them.

Participate

Be active in all the processes of your child's special education. As a parent you will find yourself one of a team of people all working together to plan and provide the most appropriate educational program for your child. Be prepared. Ask questions about anything you do not understand. Your participation is needed in a variety of ways. Here are some examples.



- Consent – By law your consent is required before your child can be tested or receive any special education services.
- Information – As part of the assessment process and the IEP planning you will be asked to provide needed information concerning your child. Your cooperation will help in planning the best program for your child.
- Review – Your child's IEP will be reviewed once a year. Be involved in this process every year. Your input is needed. Remember the IEP is the heart of your child's education and your participation in the process is vital.
- Attendance – Attend all IEP meetings and parent conferences concerning your child. Also, you may have the opportunity to attend parent education programs to learn more about special education activities.
- Communication – Good communication between home and school is an important key to the success of a child's program. Once the decisions have been reached and the IEP written, keep in close touch with what is going on at school.

Community Advisory Committee (CAC)

An important organization to become aware of and be involved in is the Community Advisory Committee for Special Education (CAC). The law requires that a majority of its members be parents and a majority of those be parents of children with disabilities. Representatives of public and private agencies, community groups, special and general education teachers, students with disabilities, school personnel, and other concerned citizens make up the rest of the committee. This organization plays an important role in special education in the North Santa Cruz County SELPA. The CAC's responsibilities and activities include:

- Advising the NSCC SELPA administration and Governing Board regarding the development and review of special education programs;
- Making recommendations on priorities to be addressed under the local special education plan;
- Acting in support of children with disabilities;
- Assisting in the evaluation of how well the Local Plan for Special Education is meeting the needs of our children;
- Assisting in parent education and the development of public information materials such as this handbook;

You are encouraged to attend the monthly CAC meetings. Call the SELPA office at (831) 466-5700 for more information, or visit the North Santa Cruz County SELPA website at www.nscselpa.org.

Other active parent organizations exist in the area that can also provide support, information, advocacy, and other assistance. They will welcome your involvement. See Section 8, Resources, at the end of the handbook for information.

EARLY START (birth to age 3)

The Santa Cruz County Office of Education offers special programs to families who have infants or toddlers under the age of three years with health, learning, behavioral or developmental concerns. Families may have received a diagnosis for their child, or they may have questions or concerns about their child's development. In these cases, there are professionals and other parents who can help by answering questions and providing the necessary services to assist the child and family.

If you are concerned about your child's development, the first step is to refer the child for evaluation and assessment. You may call the Early Start program directly at (831) 475-0237 or 462-1274 and request an assessment. With your permission, the staff will assign a service coordinator to your family and will work with you to plan an assessment, whereby all areas of the child's development will be evaluated.

Within 45 days after you make your referral to Early Start, the assessment process should be completed and, if the child is eligible, an Individual Family Service Plan (IFSP) will be developed. The IFSP is a document that addresses both the unique needs of the child as well as the needs of the family to enhance their child's development. It includes a statement of the infant's current developmental level; the family's concerns, priorities, and resources; the expected outcomes; and specific services including frequency, intensity and duration. A family assessment is voluntary.

The IFSP is reviewed every six months (or more often if requested). Development of the IFSP must be coordinated with all other agencies providing services to the child and family (such as California Children Services, San Andreas Regional Center, etc.).

The IFSP is a joint effort among your family, professionals who will be working with the child, and the community supports needed to meet the special needs of the child. Research has shown that family-centered interventions during the first three years of a child's life can make a profound difference in the child's future. These services can improve the developmental progress of a child, can reduce feelings of isolation, stress, and frustration in families, and help children with disabilities to grow up and be productive and independent.

Services identified in the IFSP can be delivered in the home, at childcare, or at the Early Start Struck Center. It is your service coordinator's job to assist you to access the services you need for your child. Services are designed to meet the developmental needs of the child and are to be provided at no cost to you. They include:

Assistive technology, psychological services, audiology (hearing) services, family training, counseling, home visits, respite, service coordination (case management), some health services, social work services, medical services for diagnostic or evaluative purposes only, nursing, nutrition counseling, occupational therapy, physical therapy, special instruction, speech and language services, transportation services, vision services, and others as needed.

When the child is 2 ½, a transition IFSP must be developed which describes the steps to be taken to continue special school services, if needed, and may involve your district of residence. You will begin to think about a special education preschool for your child, and your service coordinator will help you to think about making this change, or "transition". There should be no interruption of services for your child when he/she leaves early intervention services and transitions to a preschool.

For more information about California's Early Start Program for infants and toddlers with disabilities contact:

Family Service Specialist
Early Start, Struck Center
(831) 462-1586

Coordinator
Special Connections (Family Resource Ctr.)
(831) 464-0669

SPECIAL EDUCATION: THE STEPS OF SPECIAL EDUCATION (ages 3-21)

Child Find

Under current law, the school district (as well as other public agencies) is responsible for conducting a continuing search in the community to identify infants, preschool, and school-aged children who may require special education services.

Referral

If you notice problems in your child's academic performance, you may request a meeting with the teacher to discuss what might be the cause. The teacher should notify the parents if there has been a noticeable gap in academic performance, possible learning difficulties, or problems with attendance or behavior. After interventions by the general education teacher are implemented, and if progress is still a concern, the SST may recommend an assessment to determine eligibility for special education and related services.

If you decide there is a need to have your child assessed for special education, at any time you may request an assessment. It is best to make this request in writing, or have a teacher or administrator assist you in writing a request for assessment.

Assessment

The assessment process has two major purposes:

- To determine if a student is eligible for special education services, and
- To assess the needs or gather all of the information in all suspected areas of disability in order to determine if the student requires special education and/or related services

The parent's written consent is necessary before an initial assessment can be conducted (as well as before any special education services can be delivered to the child). The written assessment plan must be prepared within 15 days after the district receives the referral for a special education assessment. The assessment plan must include:

The proposed assessment plan must meet all of the following requirements:

1. Be in language easily understood by the general public;
2. Be provided in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless to do so is clearly not feasible;
3. Explain the types of assessments to be conducted;
4. State that no IEP will result from the assessment without the consent of the parent;

5. A description of any recent assessments conducted, including any available independent educational evaluations and any assessment information the parent requests be considered; and
6. The student’s language proficiency in the primary language and in English.

A developmental and educational history for the child will be obtained by a specialist. Results of the assessment will be given in a written report, and parents must be provided a copy of the findings. The report should describe how the child’s disability affects involvement and progress in the general curriculum. A flowchart that illustrates the timeline regarding assessment appears on page 26.

Individualized Education Program (IEP)

- An IEP meeting must be held within 60 calendar days after the date of written consent to an assessment (timelines are suspended for more than 5 days of vacation)). The IEP is developed by a team including the parents, an administrator, a special education teacher, the person(s) who conducted the assessment(s), at least one general education teacher if your child is or may be participating in the general education classroom, and other individuals as needed and appropriate. Parents should consider whether to have their child attend the IEP team meeting. Older students are encouraged to attend and to take an active part in the IEP process. Younger students can attend when appropriate, perhaps just for a portion of the meeting. Parents may also bring a relative, friend, or neighbor to the meeting as a support. The parent is always a necessary, welcome and equal member at meetings to plan special education placement and services.

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This initial meeting will be to determine eligibility for Special Education under one of the thirteen federally defined disabling conditions:

1. Autism (AUT)
2. Deaf-blindness
3. Deafness (DEAF)
4. Emotional Disturbance (ED)
5. Hearing Impairment (HI)
6. Intellectual Disability (ID)
7. Multiple Disabilities (MD)
8. Orthopedic Impairment (OI)
9. Other Health Impaired (OHI)
10. Specific Learning Disability (SLD)
11. Speech or Language Impairment (SLI)
12. Traumatic Brain Injury (TBI)
13. Visual Impairment (VI)

The Individuals with Disabilities Education Act of 2004, (IDEA-04), identifies 13 types of disability that make children eligible for special education services.

ELIGIBILITY	CRITERIA
Autism	The child exhibits a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affecting a child's educational performance. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.
Deaf-Blindness	The child has both hearing and visual disabilities that cause severe communication, developmental, educational, and vocational and rehabilitation problems that require accommodation in special education or vocational rehabilitation programs for hearing and visual disability.

Deafness	The child's residual hearing is not good enough to allow him or her to understand the spoken word and to develop language, thus causing serious problems in learning and communication.
Emotional Disturbance	<p>The child exhibits one or more of the following conditions over an extended period of time, to a marked degree, and these conditions have an adverse effect on educational performance, even after supportive assistance has been provided.</p> <p>An inability to learn that cannot be explained by intellectual, sensory or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general, constant mood of unhappiness or depression; a tendency to develop physical symptoms or fears associated with personal or school problems.</p>
Hearing Impairment	The child exhibits a hearing loss that prevents full awareness of environmental sounds and spoken language, limiting attainment of normal language and learning achievement.
Intellectual Disability	The child learns at such a slow rate that he or she will not be able to keep up with peers in basic skills and abilities, and has significant delays in social adjustment outside the school.
Multiple Disabilities	The child exhibits two or more disabilities, the combination of which causes such severe educational problems the child cannot be accommodated in special education programs solely for one of the impairments.
Orthopedic Impairment	The child displays impairments that are development, hereditary abnormalities or result from disease or other causes, such as cerebral palsy, amputations, fractures, or burns. The IEP team determines whether the disability is severe enough to have an adverse effect on educational performance and make special education and/or related services necessary.
Other Health Impairment	The child exhibits limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and adversely affects a child's educational performance.
Specific Learning Disability	The child exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, and cognitive abilities including association, conceptualization and expression. Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.
Speech or Language Impairment	The child exhibits a communication disorder, such as stuttering, impaired articulation, a receptive and/or expressive language disorder, or a voice impairment that adversely affects the child's educational performance.
Traumatic Brain Injury	The child has an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance.

	Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.
Visual Impairment	The child's visual impairment including blindness means impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

The parent will be notified of the time and place of the IEP meeting, which should be a mutually agreed upon time. Parents will be asked to consent to the IEP meeting time and date.

The local educational agency is responsible for ensuring that parents/guardians understand their rights and procedural safeguards. Interpreters, for non-English speakers, and for parents/guardians who are deaf may be requested. Please give the district adequate notice if you require an interpreter.

If your child is eligible for Special Education the IEP must include:

- 1) IEP team membership includes at least one general education teacher if your child is, or may be, participating in the general education classroom.
- 2) A statement of your child’s strengths in each listed area and results of the most recent assessments.
- 3) A statement of how your child’s disability affects involvement and progress in the general curriculum; or if your child is a preschooler, how the disability affects participation in appropriate activities.
- 4) A reason for placement if it is other than the school regularly designated for attendance.
- 5) A statement indicating the extent to which the child will not participate in a general education classroom and extracurricular activities. There must be an explanation if the student is not participating in general education activities.
- 6) A statement of your concerns relevant to your child’s educational progress.
- 7) A statement of measurable annual goals. These must be related to: (a) meeting your child’s disability-related needs; (b) allowing your child to be involved and to progress in the general education curriculum; (c) how each of your child's educational needs are being met.
- 8) A statement of special education and related services and supplementary aids and services to be provided.
- 9) A statement of how you will be regularly informed of your child’s progress at least as often as parents of non-disabled general education students, including the extent to which progress is sufficient to enable the child to reach his/her goals by the next annual IEP.
- 10) Program modifications or supports for school personnel that will be provided for your child to: (a) advance toward annual goals; (b) be involved and progress in the general curriculum and participate in extracurricular activities; and (c) be educated and participate with disabled and non-disabled peers.
- 11) A statement of projected date for beginning services (?)and their anticipated frequency, location, and duration.
- 12) A statement regarding your child’s participation in district-wide standardized assessments, including accommodations and/or modifications, if any.

- 13) A statement regarding your child's behavior and whether or not it impedes his/her learning or that of others. If so, then behavioral goals and/or a behavior intervention plan must be developed which addresses the identified behavioral concerns.
- 14) A statement addressing your child's transition service needs starting at age 16, focusing on courses of study, interagency responsibilities and linkages and post-secondary goals.
- 15) For blind or visually impaired children, a statement regarding instruction in and the use of Braille. If not provided, a statement of rationale is required.
- 16) A statement that your child's communication needs have been considered. If your child is deaf or hard of hearing, opportunities for communication with peers and professional personnel in your child's communication mode must be included in the IEP.
- 17) A statement regarding the need for assistive technology devices and/or services for your child.

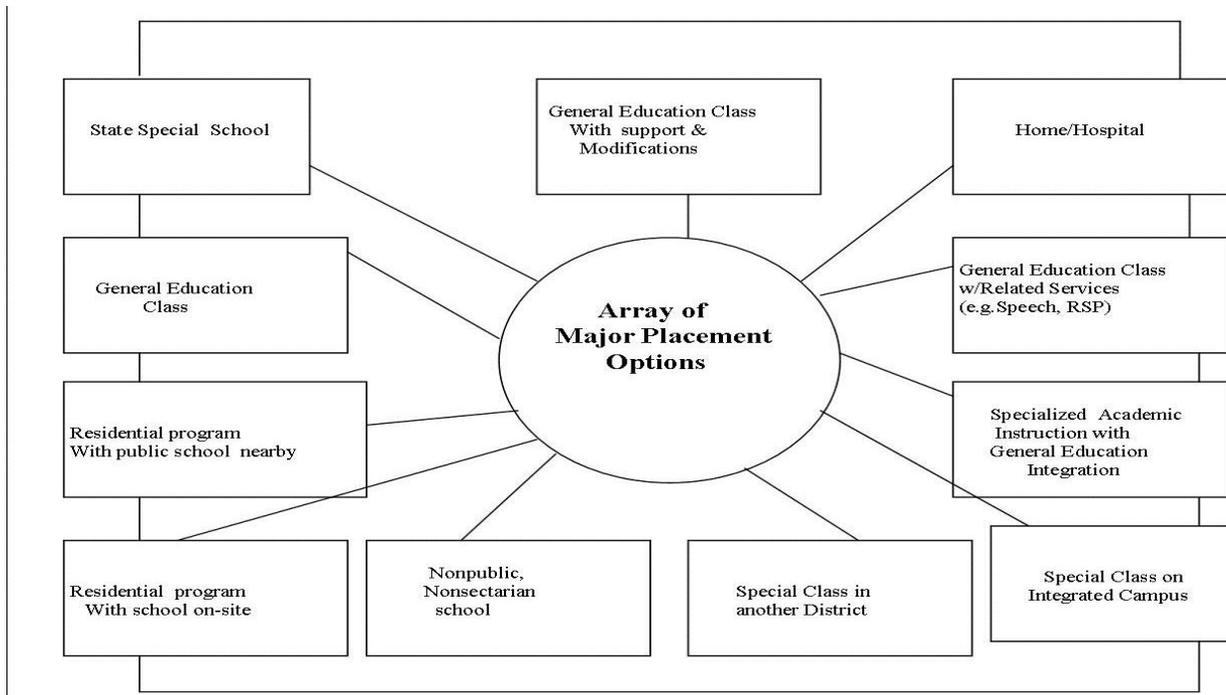
At the conclusion of the IEP meeting, all participants will be asked to sign the IEP. Never sign a blank form. Don't hesitate to ask the professional present to repeat, or give explanations to you in everyday language. If you are satisfied with the IEP and give your written consent, placement in the appropriate special education program and all related services should occur immediately after the IEP has been signed. If you disagree with all or part(s) of the IEP you will be asked to write a dissenting statement. This statement becomes a part of the IEP. Your signature indicates presence and participation in the IEP meeting. Checking the statements above your signature, also indicate your agreement/disagreement with the IEP.

You may, however, refuse to give your consent to all or part of the IEP. In this case, there will be no change to the current or existing program for your child. You may request that the portion of the IEP with which you do not agree be reconsidered, and another meeting may be scheduled to discuss and resolve any issues. If necessary, you can use one of the alternative dispute resolution models provided by the SELPA office, or you can request a due process hearing.

The IEP is reviewed on an annual basis or more frequently if either the parent or school personnel request it. **No changes may occur to the IEP without the parent's written consent.** A complete re-evaluation is conducted every three years (triennial assessment) to determine continued eligibility for special education and/or possible program changes and needs. This assessment may be done sooner at the request of the parent/guardian or school district.

Placement

When special education eligibility has been determined, the IEP Team must first determine if the student requires special education and/or related services. If the IEP Team determines that a student's needs would be most appropriately met with special education/and or related services, the least restrictive environment as close to home as possible should be considered. The North Santa Cruz SELPA provides a full continuum of program options for special education and related services for students ages birth through 21 years. Assignments to special day classes, special schools, or any other removal from the general education classroom setting should only occur when the nature and severity of the disability is such that education in general classes with additional, supportive aids and services cannot be satisfactorily achieved. Remember, under the law each child is entitled to placement in the least restrictive environment, which is that placement which gives the student the greatest amount of contact with their non-disabled peers. Moreover, as a student achieves goals and succeeds in the present placement, a less restrictive environment should be considered. Each school district must provide a continuum of services, including:



Student Records

All students' records are confidential. Parents/guardians (or the student if age 18 or older) may examine them. To do so, a written request should be made to the district Special Education Department and a time will be set up to review the records. The parent may also set a time for a conference to have information (test results) regarding the child explained by a qualified representative of the school.

Records will only be sent to other agencies/persons outside the school district with written request and permission by the parent. Students of legal age may be sent their records upon request.

School district employees who have a legitimate educational interest in the information regarding the student may examine the records if such information helps school staff understand the student better, and will help them plan for his needs. A list of persons who have seen the confidential records will be kept. Parents have the right to be informed when confidential information is no longer needed and is to be destroyed.

If parents believe that any information about their child is inaccurate, misleading, or violates the privacy of the child, they have the right to request that the records be corrected. Each district has a policy regarding such a request and how it will be handled.

Keeping Records

Keeping records of your child's medical, developmental, and school histories is a necessity. Parents so often need to give a history of a child's development or information pertaining to his disability. As each year passes, these histories become longer and sometimes more complex. Keeping these records in an organized notebook or file will prove to be a most practical and useful project, and as a parent you will find this notebook/file very helpful in contacts with school, medical and agency persons.

Your notebook/file could be organized in this way:

- **Medical History**

This section should include developmental history starting with pregnancy and birth information. Include the name and addresses of any doctors or clinics you have consulted. All medical reports

(pediatrician, allergist, etc.), therapy reports (speech, physical therapy, etc.) and agency reports (Regional Center, mental health, etc.) should be included.

- **School**

This section should include copies of IEPs; assessment reports (academic, speech, psychological, physical, vocational); periodic examples of schoolwork (dated); and report cards. Also keep a record of letters and phone calls you have made regarding special education and letters you have received from school staff.

- **Personal/Social History**

Include a record of the child's interest and activities, organization, camps, awards, social involvement, and some photographs.

- **Current Information**

Include a copy of your school rules and regulations, the school calendar, a copy of Parents' Rights and Responsibilities in Special Education, and information on community resources.

Parents' Rights and Responsibilities

Individuals with disabilities and their parents have certain protections provided by the IDEA. These protections include rights related to the assessment process and the development of the IEP. In addition, you may appeal a decision if you disagree with the school district, or you may file a complaint if you feel that the proper procedures have not been followed.

“**Due process**” is now a part of our everyday vocabulary. It is a legal way of saying that certain principles and practices exist and must be respected to insure that each child is treated in a manner that guarantees his right to equal educational opportunities. Due process ensures there are specific procedures and timelines that must be followed when and if significant changes are made (or even proposed) in a child's educational program. Due process is guaranteed to us by the Constitution of the United States. It is there as a safeguard so that every individual has the means of protecting and asserting his own rights.

Parents have the right to be informed of all procedural safeguards and rights of appeal in language easily understood by the general public and in the parent's primary language. Notice should include:

- A description of the action the school proposes to take;
- An explanation of why the school proposes to take the action;
- A description of any options the school considered but did not recommend;
- The reasons why those options were rejected;
- A description of each evaluation procedure, test, record, or report used as a basis for action.

If a problem arises:

1. Try to get it resolved at your local school level. Contact your child's teacher and discuss the problems. Other school staff members who are aware of your child's needs such as the principal, nurse, speech therapist, or psychologist may be able to help.
2. If necessary you may contact your district's Special Education Director for further assistance.
3. If the situation is not solved satisfactorily and the problem has to do with your child's program placement, special education or related services, then request an IEP review meeting.
4. Contact the SELPA at (831) /466-5700, FAX (831) 466-5964, or mail 400 Encinal Street, Santa Cruz, CA 95060 to request further assistance.

5. Arrange for an advocate to assist in the IEP.
6. If you cannot reach an agreement or you have a dispute with the school district that cannot be resolved, you may request a due process hearing. (See Notice of Procedural Safeguards for details)
 - A) You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. If you file for a due process hearing, the last signed IEP is still in effect. You will have the option to go mediation. To file you must write to:

Office of Administrative Hearings
Attn: Special Education Division
 2349 Gateway Oaks Dr., Suite 200
 Sacramento, CA 95833-4231
 Phone (916) 263-0880
 Fax (916) 263-0890

7. You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. You may file a complaint by writing the following address:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
 1430 N Street, Suite 2401
 Sacramento, CA 95814
 (800) 926-0648
 Fax (916) 327-3704

Other help available for resolving problems:

- SPIN (Special Parents Information Network) (831) 423-7713
- Central Coast Center for Independent Living (831) 462-8720
- Community Alliance for Special Education (CASE) (415) 431-2285
- Parents Helping Parents..... (408) 727-5775
- Office for Civil Rights, US Department of Education, San Francisco, California (800) 368-1019
- Procedural Safeguards and Quality Assurance..... (800) 926-0648
- Protection and Advocacy, Inc. (Serves individuals with developmental and mental disabilities)
 (800) 776-5746
- Area Developmental Disabilities Board VII (Advocacy for children and adults with developmental disabilities)
 (408) 246-4355

TRANSITION

Students with disabilities should have the continuity of age appropriate and developmentally appropriate peers that are equivalent to those of non-disabled peers to the extent possible.

Children with exceptional needs are entitled to a plan that facilitates the smooth transition from special education programs in five levels: infant to preschool, preschool to elementary school, elementary/middle school to high school, and high school to the world of work or post-secondary education.

Individual Transition Plan (ITP)

Transition refers to the movement from school to the adult world of work and community life. It is defined as an outcome-oriented process that involves a coordinated set of activities that promote this movement. The purpose is to prepare students with disabilities for employment and independent living. Ideally, transition should represent a balance of teaching everyday living skills, personal and social skills, and vocational skills. Thoughtful planning is known to improve the employment rates of students with disabilities.

Under the IDEA, each eligible student is required to have an Individual Transition Plan (ITP) in place beginning at age 16. The ITP focuses on improving academic and functional achievement to facilitate movement from school to post-school activities (post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living or community participation.) The ITP is based on the student's strengths, preferences and interests and includes one goal in the following areas: education/training; employment; and if appropriate, independent living.

This plan is developed by a team which includes the student, parents, school staff, (if appropriate and if parent requests their presence schools may invite with parent permission) Regional Center case manager, Department of Rehabilitation, vocational specialist, and anyone else who can contribute to the process. This planning process must begin by identifying the student's post-school goals. Students and families should be supported in thinking about their long-range goals. The ITP team then moves on to develop a statement of needed transition services in the areas of instruction, vocational training, integrated employment, independent living, and community participation. A functional vocational evaluation should be completed as needed.

The California Department of Education has identified five Core Messages for Transition. These are:

- Student focused planning based on the student's interests and preferences;
- Student development activities which develop the student's academic, social, and employability competencies;
- Interagency collaboration which involves all stakeholders;
- Family involvement which recognizes parents as equal partners on the IEP team; and
- Program structures that include a range of options that support meaningful connections to the workplace and community.

Remember, transition is a plan, not a program! Your child's transition plan should demonstrate that it is outcome-oriented; focused on meeting the student's needs, interests, and preferences; identify the instruction and services needed to achieve the student's goals' and should clearly state the linkages after exit from the school system to ensure that post-school supports are in place.

When students with disabilities reach the age of 18, also known as age of majority, the legal rights regarding special education services move from the parents to the student. Parents and students are notified one year before the student's 18th birthday that transfer of educational rights will occur. If parents/guardians believe their son or daughter is unable or incapable of making sound educational and/or

independent living decisions, some options include: conservatorship, limited conservatorship, and estate planning and trust funds.

In the North Santa Cruz County SELPA, often students with moderate/severe disabilities attend the Post-Secondary Program administered by the Santa Cruz County Office of Education after high school, and may remain in that program until age 22. At that time, they are awarded a Certificate of Completion.

More information about transition planning can be obtained by contacting:

- Special Education Department at your local district office.
- Your case manager, San Andreas Regional Center 831-728-1781
- Department of Rehabilitation (831) 465-7100
- Parents Helping Parents 408-727-5775
- Protection and Advocacy, Inc. (PAI) at 1-800-776-5746 or online at www.pai-a.org/pubs/500501.htm.

Other resources include:

- Transition to Adult Living: A Guide for Secondary Education - <http://wwwstatic.kern.org/gems/specialEd/transitionguide07.pdf>
- Tri-City SELPA (Beverly Hills, Culver City, Santa Monica) Transition Handbook http://www.smmusd.org/special_education/SELPA-TransitionHandbook.pdf
- Transition Coalition www.transitioncoalition.org

POSITIVE BEHAVIOR INTERVENTION

The vast majority of behavioral difficulties can be prevented with implementation of appropriate classroom management techniques. For individual students who develop mild to moderate behavioral patterns that do not respond to typical classroom management strategies, behavioral goals and/or informal behavior plans are indicated. Students who exhibit serious behavioral concerns may require more formal intervention. Both informal and formal behavior intervention must be included in the IEP for students whose behavior impedes their learning or that of others.

In the case of a student whose behavior impedes his/her learning or that of others, appropriate positive behavior interventions, strategies, and supports will be developed to address the behavior, including, when appropriate, the development of a **Behavior Intervention Plan (BIP)**. A behavior intervention plan shall be part of the student's individualized education program and shall specify environmental and instructional changes and other techniques and strategies including positive behavioral interventions, strategies and supports. If a BIP is not effective, it can be reviewed and modified until success is attained.

A Functional Behavior Assessment (FBA) is generally understood to be a systematic observation of a student to determine antecedents and consequences of a behavior. An FBA is not required prior to the development and implementation of an informal behavior plan.

An FBA must be conducted when school authorities seek to change the placement of a student with a disability because of a violation of a code of student conduct, **and** the IEP Team determines that the conduct was a manifestation of the student's disability, **and** the LEA has not conducted an FBA prior to such determination before the behavior that resulted in the change of placement (i.e., possible expulsion or suspensions beyond 10 days in a school year)

An FBA must be conducted, as appropriate, in cases of disciplinary removals involving a change in placement in which the IEP Team determines that the conduct **was** not a manifestation of the student's disability.

An FBA should be considered and/or conducted if additional data is needed to develop a BIP or the IEP Team determines it would be appropriate for the student. Parental consent is required before an FBA may be conducted.

Positive Programming

“Positive programming”, meaning the use of positive response options, is the mandate of the Hughes Bill. All behavioral intervention plans written in the North Santa Cruz County SELPA will provide for positive responses to misbehavior, and will include alternative appropriate behaviors. Punishment or other negative interventions (e.g., over-correction, contingent exercises, confined time-out) are not to be used. Approved responses to misbehavior may include, but are not limited to:

- The behavior targeted for reduction is ignored, while the student is carefully observed.
- The student is provided verbal/physical redirection, either to the assigned task or to another activity that is likely to interrupt the target behavior.
- The student is given verbal feedback when her/his behavior is inappropriate.
- The student is told that the message s/he is attempting to communicate is understood and acknowledged.
- The student is given a brief physical prompt to stop the target behavior(s) or to perform a more appropriate behavior.
- The student is given a response cost (e.g., fines, loss of privileges, brief time away from the group)
- The student's behavior is dealt with in the manner prescribed by the school site.
- Temporary removal from the work area, but not from the classroom. As soon as the inappropriate behavior has stopped, the student should be returned to the work area. Students can monitor their own readiness to return to work.
- Teach alternative behavior(s) that produce the same consequence(s) as the inappropriate behavior.

Restrictive procedures are to be used only in the case of a behavioral emergency; to control unpredictable, spontaneous behaviors which pose a clear and present danger of serious physical harm to the individual, others, or property, and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique to contain the behavior.

- No emergency intervention shall be employed for longer than is necessary to contain the behavior, or an amount of force that exceeds that which is reasonable and necessary under the circumstances.

FREQUENTLY ASKED QUESTIONS (FAQs)

Are special education infant and preschool programs available?

Yes. Infants and toddlers aged birth through 36 months with diagnosed disabilities, or at risk for disability, are served by the Santa Cruz County Office of Education, Special Education Department. Preschool children ages 3-5 are also eligible for services. You can obtain further information about infant and preschool programs by calling (831) 466-5700.

If I think my child has a learning problem, what should I do?

First discuss your concerns with your child's classroom teacher. If your child has a demonstrated problem that prevents him or her from functioning in a general school program without special help, as a first step you may request that your child's teacher make a referral to the Student Success/Study Team (SST), or you may send a request for an assessment to your district's Special Education Department.

What is a Student Success/Study Team (SST)?

The SST is a general education function. It is comprised of teachers and other school personnel based at your local school site. This team reviews a student's learning strengths and needs, and plans alternative strategies/interventions to assist the student in succeeding in the general education program.

If my child is eligible for special education, who decides what services my child will receive and what program he/she will be in?

The appropriate services and programs will be based upon your child's individual assessed needs, which are based on assessments of all areas of the suspected disability. The planning of your child's program and services is done by the Individualized Education Program (IEP) team. The parent is an important member of this team.

What is an Individualized Education Program (IEP)?

The IEP is a written document developed for each student eligible for special education, which is based on the educational needs of the student as specified by the IEP team (professionals and parents).

What are related services?

Related services, formerly known as Designated Instruction and Services (DIS), are provided in addition to specialized academic instruction, when needed. They may include related services such as: speech, occupational therapy, vision, hearing and audiological services, family counseling and training, assistive technology, and transportation. This is not an exhaustive list.

When are transportation services provided?

Transportation as a related service is an IEP Team decision. The IEP Team will consider factors including the student's needs, age, the nature of the student's disability, the condition of the route to be traveled to the bus stop, the availability of public assistance when the student walks that route, and the student's ability to safely access transportation to and from school in the way other students in a district access transportation.

Will my child be able to participate in an extended school year (ESY) program?

An IEP Team considers the provision of ESY services on an individual basis as necessary to provide FAPE. ESY services are provided to students who have a handicapping condition which is likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming

may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. Generally extended year is available to those students with intensive needs who require a continuation of services to prevent a regression of skills.

What should I do if I don't agree with everything in the IEP?

You may give consent to those parts of the IEP with which you agree and they will be implemented without delay. Any parts of the IEP that you do not give consent will not be implemented. You will be asked to write a dissenting statement that will then be attached to the IEP. The parts with which you don't agree may become the basis for an alternative dispute resolution, mediation or due process. You may also request another IEP meeting to further discuss your concerns.

If I have a problem with my child's IEP or services, what should I do?

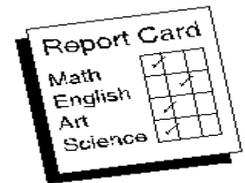
First, discuss the problem with your child's teacher and any other school personnel who are familiar with your child's special needs and who may be able to help resolve the problem for you. You may request that the IEP team meet to review and/or develop a new IEP.

May I observe special education programs that are available in the district?

Observations may be arranged based on the policies of your local school district. Contact the special education director of your local school district to inquire about scheduling an observation.

May I see my child's school records?

Yes, you are entitled to see all of your child's school records. Make your request, in writing to the Special Education Department of your district.



May I obtain an independent assessment of my child, and must that assessment be considered by the school district in educational planning?

Yes. Parents may have an independent assessment done, at their own expense, at any time, and the results may be considered by the school to support the need for appropriate educational services. Under certain conditions the school district may pay for an independent assessment. Please see your Parent Rights and Procedural Safeguards for a full explanation.

For how long will my child receive special education services?

Services are provided for eligible students ages 0 - 22, as long as the IEP team, including the parents, agrees that special education services are needed, or until the student receives a high school diploma. This will be based on on-going evaluation of your child's eligibility needs.

How will my child's IEP be affected if we move out of this school district?

Your child's IEP will still be valid and he/she will be placed in a comparable program for a period of 30 days if you should move. During that time an IEP review should take place in your new school district.

May I volunteer at my child's school?

Parent involvement is strongly encouraged. Speak to your child's teacher about volunteering at school. There are many ways in which you can become involved.

What is SELPA?

SELPA is an acronym for Special Education Local Plan Area. We provide:

- Staff Development
- Curriculum Resources
- Management Information Services
- Liaison Activities with Associated Agencies
- Monitor compliance with state and federal special education laws and regulations
- Consultation to districts and parents
- Alternative Dispute Resolution services to districts and parents

SELPA office contact information:

North Santa Cruz County SELPA
 400 Encinal Street
 Santa Cruz, CA 95060
 Phone: (831) 466-5700
 Fax: (831) 466-5964
www.nscscselpa.org

For more information on any of these services, please call our office or check our website.

RESOURCES

Listed below are resources that provide services, support, or cash benefits to families with a child with a disability. They are divided into sections for ease of reference.

Mandated Programs

California Children Services (CCS).....(831) 763-8900
 Provides specialized medical care, therapy and treatment, and equipment for families eligible through residency, medical condition, and financial situation

Child Health & Disability Prevention Program (CHDP)(831) 454-2560
 Provides preventive health care for children of low-income families or in foster care

San Andreas Regional Center...(831) 728-1781
 Evaluation, case management, and purchase of services for clients with developmental disabilities

Santa Cruz County Children’s Mental Health Services(831) 454-4900
 Counseling for Medi-Cal eligible children and families. Parent support groups available.
 Call Family Partnership Program (831) 454-4961.

Santa Cruz County Human Resources Agency.....(831) 454-4165
 Financial assistance, food stamps, Medi-Cal, and IHSS, for low-income families

Santa Cruz County Medi-Cruz Program.....(831) 454-4011
 Health-care for the indigent

Santa Cruz Health Clinic.....(831) 454-4100
 County hospital required to provide medical care to any resident regardless of ability to pay.

Social Security Administration(800) 772-1213

Cash benefits (through Supplemental Security Income [SSI] program) for children with diagnosed disabilities. If you receive cash benefits through the County Department of Employment & Human Services you will probably be eligible.

Women, Infants, and Children (WIC)..... (831) 426-3911
 Vouchers for food supplements for low-income women who are pregnant, Breast-feeding, or have children from birth to age three.

Special Programs

Area Developmental Disabilities Board VII..... (408) 246-4355
 Advocacy for children and adults with developmental disabilities

Autism Santa Cruz (831) 464-3393
 Information, referral and support for families who have children with autism spectrum disorder.

Blind Babies Foundation..... (415) 586-6140
 Consultation & home visits.

California State Department of Education, Procedural Safeguards (800) 926-0648
 Answers questions concerning Special Education laws and regulations

Central Coast Center for Independent Living..... (831) 462-8720
 Information, referral and advocacy for individuals with special needs

Community Alliance for Special Education..... (408) 283-1535
 Provides legal support, representation, technical consultation and training to parents concerning special education services.

Dientes (831) 459-9211
 Provides low cost dental care for those who income-qualify.

Doran Center for the Blind..... (831) 458-9766
 Information and referral on resources for blind children

The Epilepsy Network..... (831) 475-9110
 Information, referral and support for families regarding epilepsy.

Families in Transition (831) 458-7125
 Assists families in locating housing

Family Partnership Program (831) 454-4961
 Provided support, advocacy and education for families of children within the Santa Cruz County Children’s Mental Health system

Lift Line..... (831) 688-9663
 Low cost transportation within Santa Cruz County for the disabled.

Lucile Packard Children’s Hospital at Stanford Hotline (800) 690-2282
 Parent medical information and referral hotline

Jacob’s Heart Children’s Cancer Association (831) 458-9766

Support for children and families dealing with childhood cancer.

Protection and Advocacy (831) 464-0669
 Protects the legal, civil and service rights of individuals with developmental or mental disabilities through a variety of advocacy services.

Red Cross (831) 462-2881
 Transportation to Santa Clara County for medical appointments for the disabled

Special Connections..... (831) 464-0669
 Support for families who have a child in the Early Start program.

Special Parents Information Network..... (831) 722-2800
 Information, resources, training, and parent-to-parent support

Tourette’s Syndrome Support Group (831) 722-2800
 Provides support for families and individuals with Tourette’s Syndrome.

Walnut Ave. Women’s Center (831) 426-3062
 Provides parenting education, information, referral and support

Women’s Crisis and Support / Defensa de Mujeres..... (831) 685-3737
 Crisis hotline for domestic violence

Counseling

Family Therapist Referral Line (831) 429-7786
 Referral service for information on local therapists

Parental Stress Hotline (831) 426-7322
 24 hour 7 days a week crisis support hotline.

Parents Center (831) 426-7322
 Provides counseling services for children and their families

Encompass/Youth Services..... (831) 429-8350
 Provides counseling services for older children and their families

Child Care/Respite

Balance 4 Kids (831) 464-8669
 Respite provided through San Andreas Regional Center authorization.

Child Development Resource Center (831) 479-5282
 Information and referral for childcare in Santa Cruz County

Community Association for Rehabilitation..... (831) 761-2699
 Respite provided through San Andreas Regional Center authorization.
 Can also be obtained independently

Easter Seals Central California..... (831) 684-2166
 Respite provided through San Andreas Regional Center authorization. Can also obtain independently

Recreation

Challengers Baseball (831) 438-5127
 Challengers Little League.

Dragon Slayers..... (831) 688-6699
 Dragon Slayers is an innovative animal therapy program for physically-challenged children and adults.

Monterey Bay Horsemanship and Therapeutic Center (831) 479-0680
 Therapeutic riding for individuals with disabilities and young children

Music Together/Musical Me, Inc. (831) 462-5195
 Music and Movement for infants and preschoolers and the adults who love them

Ride-a-Wave (831) 239-3672
 To give everyone the chance to experience the thrill of riding a wave, whether they are physically, economically, or developmentally challenged.

Shared Adventures (831) 459-7210
 Recreational activities for children and adults with special needs

Special Olympics (831) 429-4258
 For children 6 and over with developmental disabilities, with or without physical disabilities

Utilities

Pacific Gas and Electric (800) 743-5000
 PG&E has a program called “Medical Baseline Rate” for individuals who require a life-support device, or special heating or air-conditioning needs. Call the number above to obtain application. Must be certified by physician. Also, the “Balanced payment Plan” is for individually metered customers. Contact the number shown on your bill for further information.

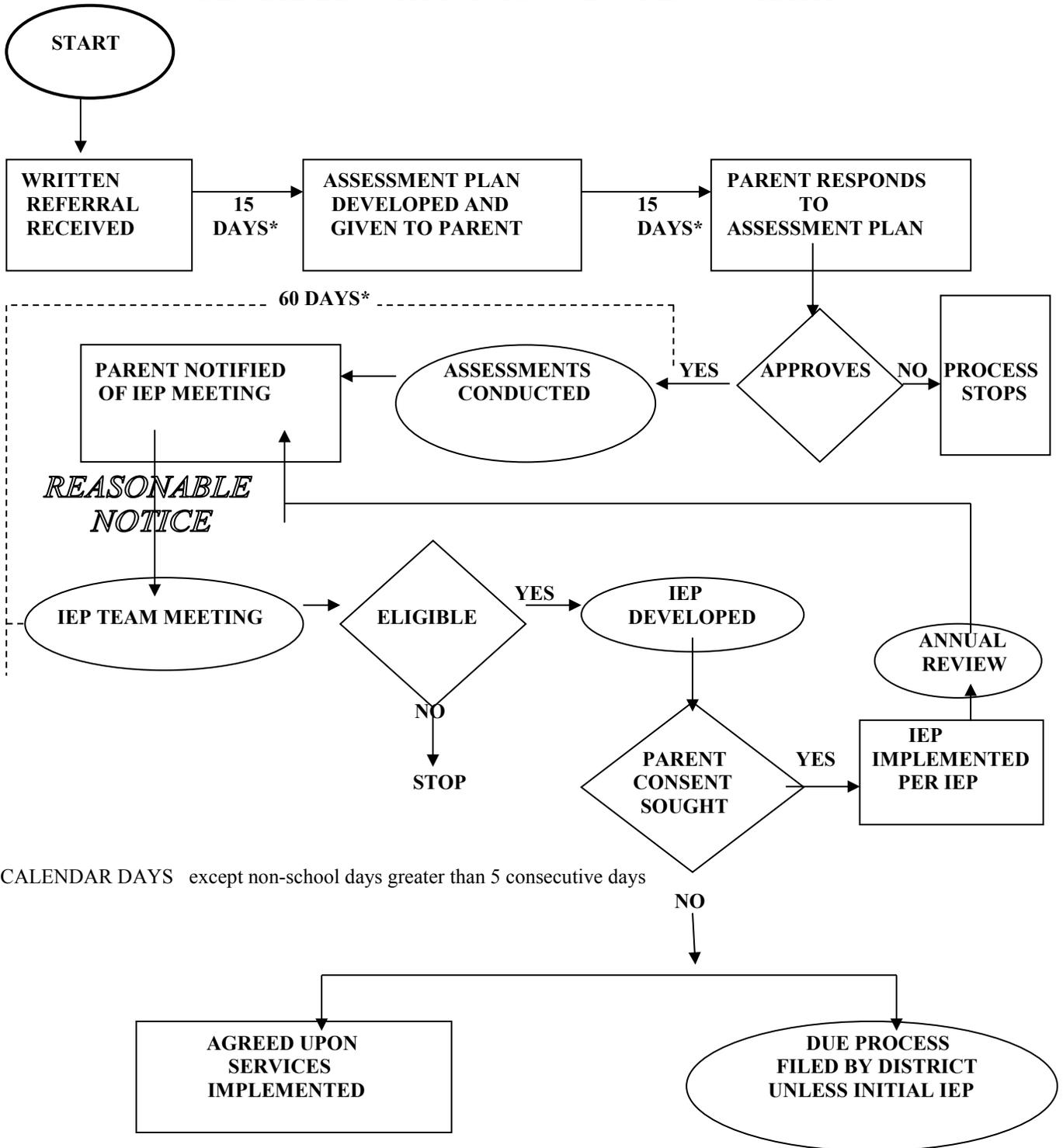
SBC (800) 310-2355
 Universal Lifeline telephone service is a basic service at half price, for customers with low income. There are two types of Lifeline service available in most areas: Flat Rate – \$4.18 per month offers unlimited local calling, this is usually better if you make more than 2 local calls per day or Measured Rate - \$2.23 per month offers 60 untimed local calls, calls over 60 cost \$.08 each. If you have questions about Lifeline service, call the toll-free Pacific Bell number on page 1 of your bill under “adding, changing, or disconnecting service.”

ACRONYMS

- ADR..... Alternative Dispute Resolution
- APE Adapted Physical Education
- AUT..... Autism
- CAC..... Community Advisory Committee
- CFR..... Code of Federal Regulations
- EC..... Education Code
- ED..... Emotional Disturbance
- FAPE..... Free Appropriate Public Education
- HI Hearing Impairment
- ID..... Intellectually Disability
- IDEA..... Individuals with Disabilities Education Act

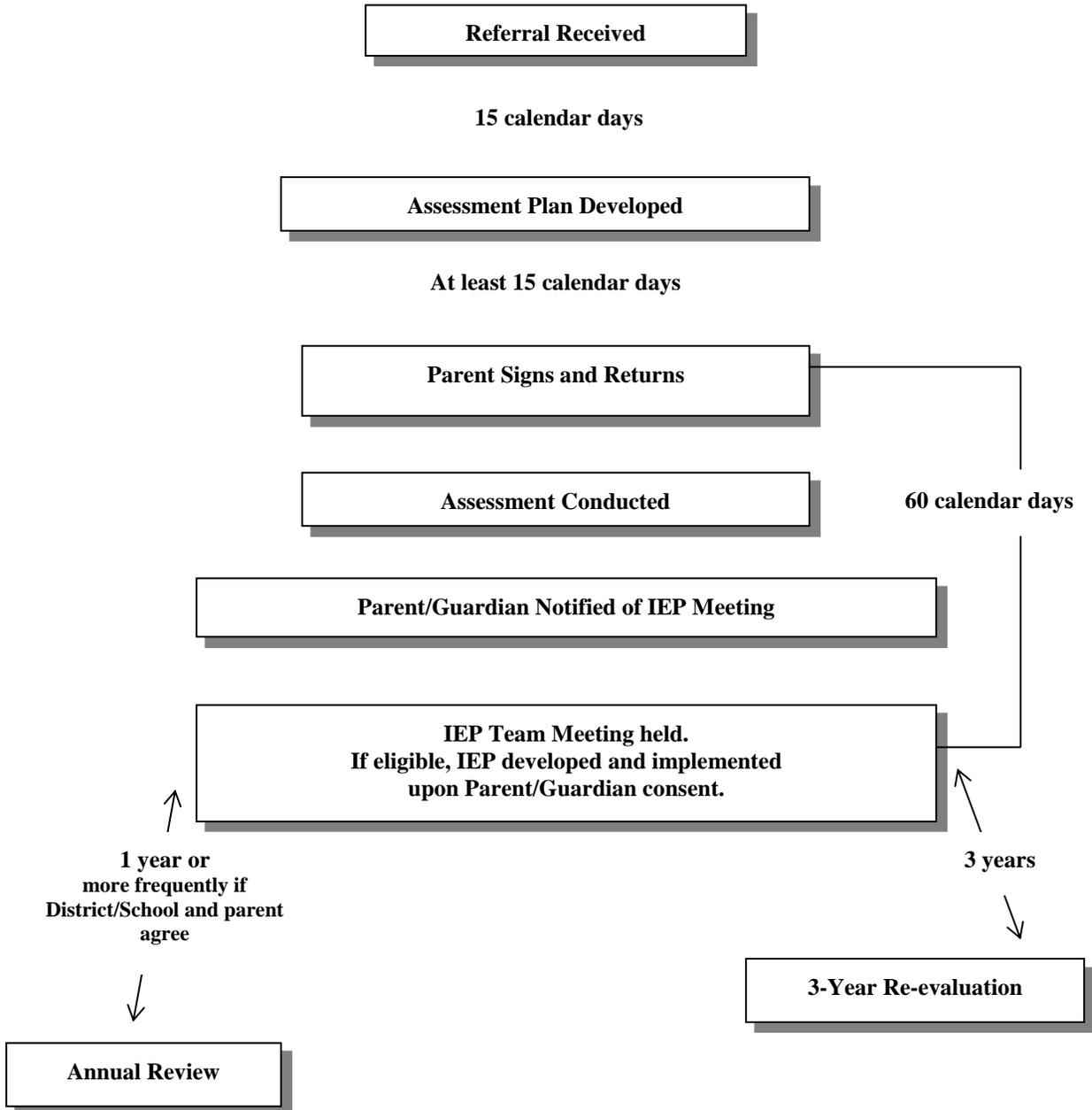
IEP.....	Individualized Education Program	
IFSP.....	Individual Family Service Plan	
ITP.....	Individualized Transition Plan	LEA.....
Local Education Agency		
LRE.....	Least Restrictive Environment	
MD.....	Multiple Disabilities	
OAH.....	Office of Administrative Hearings	
OI.....	Orthopedic Impairment	
OHI.....	Other Health Impairment	
OT.....	Occupational Therapy	
PT.....	Physical Therapy	
ROP.....	Regional Occupational Program	
RSP.....	Resource Specialist Program	
SELPA.....	Special Education Local Plan Area – (2 in Santa Cruz County)	
SLD.....	Specific Learning Disability	
SLI.....	Speech or Language Impairment	
SST.....	Student Success/Study Team	
TBI.....	Traumatic Brain Injury	
USC.....	United States Code	
VI.....	Visually impaired	

**NORTH Santa Cruz COUNTY
SPECIAL EDUCATION LOCAL PLAN AREA
SPECIAL EDUCATION PROCESS FLOW CHART**



** CALENDAR DAYS except non-school days greater than 5 consecutive days

PROCESS FLOW CHART – ANOTHER VIEW



Special Education Rights of Parents and Children under the Individuals with Disabilities Education Act, Part B, and the California Education Code

• Notice of Procedural Safeguards • Revised September 2014

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary on the last page of this notification.

What is the Notice of Procedural Safeguards?

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from three (3) years of age through age twenty-one (21) and students who have reached age eighteen (18), the age of majority, with an overview of your educational rights or procedural safeguards. The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (in English, referred to as IDEA) and must be provided to you:

- When you ask for a copy
- The first time your child is referred for a special education assessment
- Each time you are given an assessment plan to evaluate your child
- Upon receipt of the first state or due process complaint in a school year, and
- When the decision is made to make a removal that constitutes a change of placement

(20 USC 1415[d]; 34 CFR 300.504; EC 56301[d] [2], EC 56321, and 56341.1[g] [1])

What is the Individuals with Disabilities Education Act (IDEA)?

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

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

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 IEP team meetings about the identification (eligibility), assessment or educational placement of your child and other matters relating to your child's FAPE. (20 USC 1414[d] [1]B-[d][1][D]; 34 CFR 300.321; EC 56341[b], 56343[c])

The parent or guardian, or the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 USC 1401[3], 1412[a][3]; 34 CFR 300.111; EC 56301, 56341.1[g][1], and 56506)

Where can I get more help?

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) may answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open

communication. Additional resources are listed at the end of this document to help you understand the procedural safeguards.

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

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. Such programs are offered to students aged 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 (CDE) Web site at www.cde.ca.gov/sp/ss/ or ask for more information from the members of your child's IEP team.

Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records**Prior Written Notice****When is a notice needed?**

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education. (20 *USC* 1415[b][3] and (4), 1415[c][1], 1414[b][1]; 34 *CFR* 300.503; *EC* 56329 and 56506[a])

The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan within fifteen (15) days of your written request for evaluation. The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 *CFR* 300.304; *EC* 56321)

What will the notice tell me?

The Prior Written Notice must include the following:

1. A description of the actions proposed or refused by the school district
2. An explanation of why the action was proposed or refused
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused
4. A statement that parents of a child with a disability have protection under the procedural safeguards
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part
6. A description of other options that the IEP team considered and the reasons those options were rejected; and
7. A description of any other factors relevant to the action proposed or refused. (20 *USC* 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 *CFR* 300.503)

Parental Consent**When is my approval required for assessment?**

You have the right to refer your child for special education services. You must give informed, written consent before your child's first special education assessment can proceed. The parent has at least fifteen (15) days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within sixty (60) days of your consent.

When is my approval required for services?

You must give informed, written consent before your school district can provide your child with special education and related services.

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

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures. If you refuse to consent to the initiation

of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.

If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 USC 1414[a][1][D] and 1414[c]; 34 CFR 300.300; EC 56506[e], 56321[c] and [d], and 56346).

When may I revoke consent?

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 CFR Section 300.503 before ceasing such services
2. May not use the procedures in subpart E of Part 300 34 CFR (including the mediation procedures under 34 CFR Section 300.506 or the due process procedures under 34 CFR Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services
4. Is not required to convene an IEP team meeting or develop an IEP under 34 CFR Sections 300.320 and 300.324 for the child for further provision of special education and related services Please note, in accordance with 34 CFR Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

Surrogate Parent Appointment

What if a parent cannot be identified or located?

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 also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 USC 1415[b][2] ; 34 CFR 300.519; EC 56050; GC 7579.5 and 7579.6)

Nondiscriminatory Assessment

How is my child assessed for special education services?

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory. Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 USC 1414[b][1]-[3], 1412[a][6][B]; 34 CFR 300.304; EC 56001[j] and 56320)

Independent Educational Assessments

May my child be tested independently at the district's expense?

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.

If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 USC 1415[b][1] and [d][2][A]; 34 CFR 300.502; EC 56329[b] and [c])

Access to Educational Records

May I examine my child's educational records?

You have a right to inspect and review all of your child's education 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 (5) **business** days after the request has been made orally or in writing. (EC 49060, 56043[n], 56501[b][3], and 56504)

How Disputes Are Resolved

Due Process Hearing

When is a due process hearing available?

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 USC 1415[b][6]; 34 CFR 300.507; EC 56501 and 56505[1])

Mediation and Alternative Dispute Resolution

May I request mediation or an alternative way to resolve the dispute?

A request for mediation may be made either before or after a request for a due process hearing is made. You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

What is a pre-hearing mediation conference?

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a nonadversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by non-attorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent. The party initiating a prehearing mediation conference by filing a written request with the Superintendent shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within fifteen (15) days of receipt by the Superintendent of the request for mediation and shall be completed within thirty (30) days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (*EC 56500.3 and 56503*)

Due Process Rights**What are my due process rights?**

You have a right to:

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (*20 USC 1415[f][1][A]*, *1415[f][3][A]-[D]*; *34 CFR 300.511*; *EC 56501[b][4]*)
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (*EC 56505 [e][1]*)
3. Present evidence, written arguments, and oral arguments (*EC 56505[e][2]*)
4. Confront, cross-examine, and require witnesses to be present (*EC 56505[e][3]*)
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][4]*)
6. Have your child present at the hearing (*EC 56501[c][1]*)
7. Have the hearing be open or closed to the public (*EC 56501[c][2]*)
8. 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 (5) business days before a hearing (*EC 56505[e][7]* and *56043[v]*)
9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (*EC 56505[e][6]*)
10. Have an interpreter provided (*CCR 3082[d]*)
11. Request an extension of the hearing timeline (*EC 56505[f][3]*)
12. Have a mediation conference at any point during the due process hearing (*EC 56501[b][2]*), and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (*EC 56507[a]*). (*20 USC 1415[e]*; *34 CFR 300.506, 300.508, 300.512 and 300.515*)

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

You need to file a written request for a due process hearing. 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
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s)

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 USC 1415[b][7], 1415[c][2]; 34 CFR 300.508; EC 56502[c][1])

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 USC 1415[f][1][B]; 34 CFR 300.510)

What does a resolution session include?

Resolution sessions shall be convened within fifteen (15) days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 USC 1415[f][1][B]; 34 CFR 300.510)

Does my child's placement change during the proceedings?

The 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 of your child 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]; 34 CFR 300.518; EC 56505[d])

May the decision be appealed?

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC 1415[i][2] and [3][A], 1415[l]; 34 CFR 300.516; EC 56505[h] and [k], EC 56043[w])

Who pays for my attorneys' fees?

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 USC 1415[i][3][B]–[G]; 34 CFR 300.517; EC 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that you unreasonably delayed the final resolution of the controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably 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 request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten (10) days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

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

Office of Administrative Hearings
 Attention: Special Education Division
 2349 Gateway Oaks Drive, Suite 200
 Sacramento, CA 95833-4231
 (916) 263-0880
 FAX (916) 263-0890

School Discipline and Placement Procedures for Students with Disabilities

School Discipline and Alternative Interim Educational Settings

May my child be suspended or expelled?

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days, and
- Additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct

What occurs after a removal of more than ten (10) days?

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not reoccur.

If a child exceeds ten (10) days in such a placement, an IEP team meeting must be held to determine whether the child's misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within ten (10) days of the school district's decision to take this type of disciplinary action.

As a parent you will be invited to participate as a member of this IEP team. 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.

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

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 USC 1415[k][1] and [7]; 34 CFR 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 USC 1415[k][2]; 34 CFR 300.531[c])

Regardless of the setting the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 *CFR* 300.530; *EC* 48915.5[b])

Children Attending Private School

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

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 *USC* 1415[a][10][A]; 34 *CFR* 300.137 and 300.138; *EC* 56173)

If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the school district enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 *USC* 1412[a][10][C]; 34 *CFR* 300.148; *EC* 56175)

When may reimbursement be reduced or denied?

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. 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, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- At the most recent IEP team meeting you attended before removing your child from the public school, or
- In writing to the school district at least ten (10) business days (including holidays) before removing your child from the public school. (20 *USC* 1412[a][10][C]; 34 *CFR* 300.148; *EC* 56176)

When may reimbursement not be reduced or denied?

A court or hearing officer must not reduce or deny reimbursement to you if you failed to provide written notice to the school district for any of the following reasons:

- The school prevented you from providing notice
- You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district
- Providing notice would likely have resulted in physical harm to your child
- Illiteracy and inability to write in English prevented you from providing notice, or
- Providing notice would likely have resulted in serious emotional harm to your child
(20 *USC* 1412[a] [10] [C]; 34 *CFR* 300.148; *EC* 56177)

State Complaint Procedures

When may I file a state compliance complaint?

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 *CFR* 300.151–153; 5 CCR 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education
 Special Education Division
 Procedural Safeguards Referral Service
 1430 N Street, Suite 2401
 Sacramento, CA 95814
 (800) 926-0648
 Fax (916) 327-3704

For complaints involving issues **not** covered by federal or state special education laws or regulations, consult your district’s uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone or fax, or by visiting the CDE Web site at <http://www.cde.ca.gov/sp/se>.

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

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
- Would like information on North Santa Cruz County SELPA policies and procedures
- 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

District	Special Ed. Phone	District	Special Ed. Phone
Bonny Doon Elementary SD	831-427-2300	Pacific Collegiate School	831-479-7785
Delta Charter School	831-477-5212	San Lorenzo Valley USD	831-336-9678
Happy Valley Elementary SD	831-429-1456	Santa Cruz City Schools	831-429-3410
Live Oak SD	831-475-6333	Santa Cruz Cnty. Office of Ed.	831-466-5781
Mountain Elementary SD	831-475-6812	Scotts Valley USD	831-438-1820
Pacific Elementary SD	831-425-7002	Soquel Elementary USD	831-464-5631

If you need additional assistance beyond your Local District/County Office or wish general information regarding Special Education programs, services and policies within the North Santa Cruz County Special Education Local Plan Area (SELPA), you may access the SELPA website at www.nscselpa.org or you may contact the SELPA office at (831) 466-5700 or FAX: (831) 466-5964.