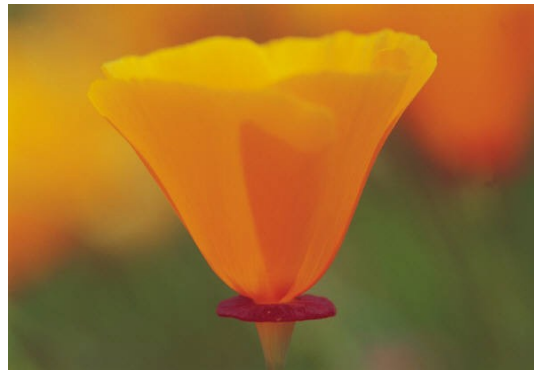


**A Parent's Guide  
to  
Special Education Services**



**Sutter County  
Community Advisory Committee**

The Sutter County Community Advisory  
Committee promotes and supports effective  
education for special needs children  
and their families.

## Table of Contents

|   |            |
|---|------------|
| The Purpose of this Handbook .....                      | Pages 3-4  |
| Keeping Accurate Records .....                          | Page 5     |
| Special Education Timelines .....                       | Page 6     |
| Assessment Guidelines .....                             | Page 7     |
| IEP Meeting Tips .....                                  | Page 8     |
| Acronyms and Terms .....                                | Pages 9-15 |
| Participating Districts and County Office .....         | Page 16    |
| Support Services and Resources .....                    | Page 17-18 |
| <b>Appendix</b>   |            |
| Notice of Procedural Safeguards and Parent Rights ..... | Page 1-10  |

## **The Purpose of this Handbook**

This handbook has been compiled to present accurate information to parents about the complex special education system and how it works. It is our hope that you can use this resource to help you through the process.

If your child has already been identified as having special needs and has an existing Individual Education Program (IEP), then you can use this book as a reference when question(s) arise. If you are new to the playing field and are concerned about getting help for your child who is having difficulty learning in a general education classroom, you will need to start with the referral process.

## **Community Advisory Committee (CAC)**

### **What is the CAC?**

Community Advisory Committees (CACs) are a vital component of effective special education programs in California. CACs have specific and important roles and responsibilities. Across California many CACs are active, creative bodies that assist in advising local governing bodies about the local plan, annual priorities, parent education and other specified special education related activities. Every special education local plan area is required to establish a CAC that is intended to be a reflection of the community they serve.

Parents comprise a majority of the membership of the CAC and of these members the majority is parents of children with special needs. Other members may include special education teachers, general education teachers, other school personnel, representatives of related public and private agencies, and school administrators. CAC members are initially selected by their peers or nominated through their district. Candidates are then approved by their local school board of education.

The CAC responsibility includes advising the policy and administrative entity of the district, special education local plan area, or county office, regarding the development, amendment, and review of the local plan. The local plan describes the local policies, procedures and programs that are consistent with state laws, regulations and policies for special education. The CAC acts in an advisory

capacity and may recommend priorities or changes to be addressed by the plan.

Other responsibilities include but need not be limited to:

- Encouraging community and parental involvement in the development, review and implementation of the local plan.
- Supporting activities on behalf of individuals with exceptional needs.
- Assisting in parent awareness of the importance of regular school attendance.

### **What do CACs mean to my child and family?**

CACs in California provide a wide range of positive parent to parent support systems including conferences, support groups, newsletter and publication, and training opportunities in addition to their advisory capacity.

Parents, school personnel, and community members learning and working together can produce healthy, valuable home-school partnerships. Effective school systems must devote energy and resources to informing and educating parents and others in the community about how they can support and contribute to the efforts of their schools. Community Advisory Committees are designed in legislative spirit and intent to establish a local forum for this active parent involvement. California Education Code (Part 30, Chapter 2, Article 7).

## Keep Accurate Records

As the parent / guardian of a child with special needs, you have gathered a tremendous amount of information about your child from various professionals and service agencies. Each time you seek services for your child, you may be asked to supply this information.

As the primary decision maker, observer and advocate for your child, it is to your benefit to keep accurate, up-to-date records. Here is an effective way to keep your information organized. Keep records in a loose-leaf binder with tabbed dividers. Suggested sections for your notebook might include:

- IEPs with long-term goals and short-term objectives, psycho-educational reports
- Developmental history and medical history and reports
- Educational history
- Educational, psychological and therapy reports
- Records from outside agencies (such as Regional Center, etc.)
- Correspondence
- Communication log
- School progress reports and report cards
- Various state test scores (STAR, CST, etc.)
- Samples of student work
- Picture of the student

You may also want to keep a collection of your child's past and present schoolwork filed in a separate portfolio.

Take your notebook with you when you go to your child's IEP meeting or when you visit a new agency or service provider.

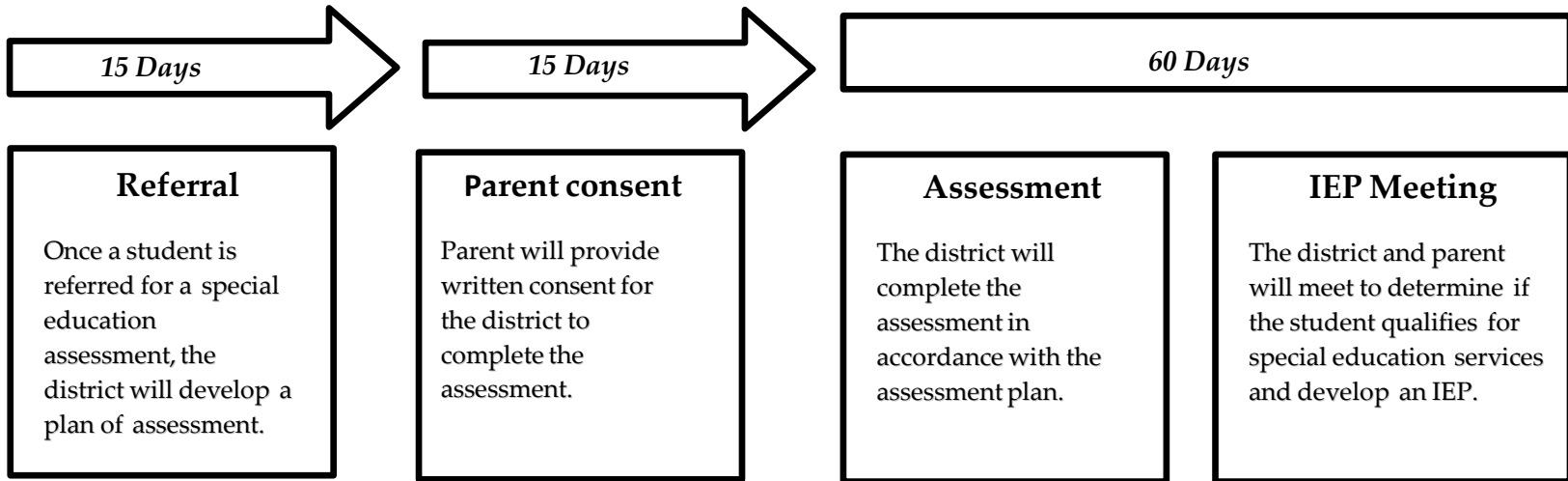


**Remember ... *Keep your notebook up-to-date!***

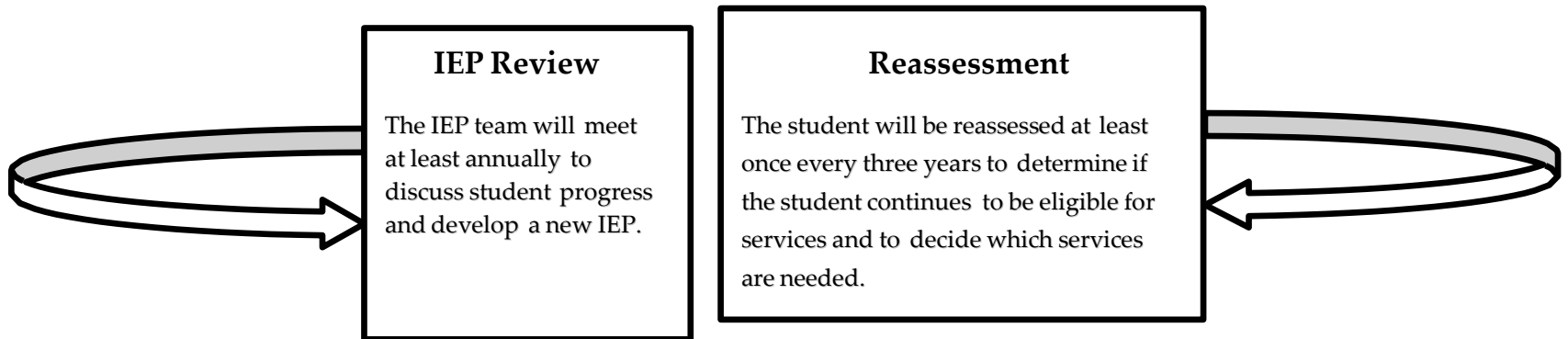


# Special Education Timelines

## ASSESSMENT TIMELINE



## IEP TIMELINES



## Assessment Guidelines

The California Education Code specifies the assessment process for an initial referral and triennial assessment for special education program services. This includes the following:

1. Assessments are conducted by a multidisciplinary team, which includes at least one teacher or specialist knowledgeable in the area of suspected disability and relevant information provided by the parent/legal guardian. Relevant information must include information related to enabling the student to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities).
2. For students with suspected learning disabilities, a general education teacher participates in the assessment, and a member of the IEP team observes the student's academic performance in the general classroom setting.
3. Standardized tests must be validated for the specific purpose for which they are used.
4. Assessment personnel are competent and appropriately trained to administer and interpret test results and, when necessary, are knowledgeable and understanding of cultural and ethnic backgrounds and competent in both the oral and written skills of English learners. When appropriate, an interpreter must be used and the assessment report must document this use.
5. Individuals are assessed in all areas related to the suspected disability, including vision, hearing, and when appropriate, health and development, social and emotional status, general intelligence, academic performance, self-help, communicative status, motor abilities, and vocational skills/interests.
6. Individuals must be assessed in their primary language or mode of communication. A test administered to a student with impaired sensory/manual/speaking skills should produce results that accurately reflect student skills.
7. Nondiscriminatory assessment materials and procedures are selected and administered to reflect academic, functional, and developmental levels of student.
8. The assessment process ensures that no single procedure is the sole criterion for determining the appropriate educational program.
9. Intelligence tests are not administered to African-American students (per Larry P.)
10. An individual with a perceived low incidence disability is assessed in his/her communication mode consistent with state guidelines.
11. Assessment results are documented, contain all required information, and include a statement regarding the validity of the assessment.
12. Each individual is re-evaluated at least every three years from the date of the signing of the initial IEP to determine eligibility. If a complete assessment and IEP are held sooner than the scheduled triennial, a new three-year timeline is initiated.
13. Individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.

## IEP MEETING TIPS

1. Before the meeting, jot down what you want to accomplish, what questions you have, and what you want to accomplish for your child.
2. When you talk with a professional, take notes. It is easy to forget important information in a stressful situation.
3. Expect, and ask for, written reports of important information, such as a summary of decisions made at a meeting, progress for your child, etc. Keep all reports and other documentation in a file or binder for future reference.
4. If you do not understand what is being said or do not understand some of the terms being used, ASK to have them clearly explained. Keep asking until you understand.
5. Make appointments to discuss issues. Don't try to have a "conference" with the teacher for instance, while picking up your child.
6. Be prepared to give useful information about your child rather than vague generalizations. For example: describe what your child can do, not do... What happens when...
7. It helps to jot things down you think are important. It's easy to forget, so get in the habit of keeping records.
8. Be assertive, rather than passive or hostile. Express your needs clearly and directly. State what you believe your child needs, stick to facts, avoid accusations and finger pointing. Use expressions like "I feel" and "I believe", rather than "you always" and "if you would only". If your concern is not addressed or your question is not answered, bring it up again until you are satisfied.
9. If you feel apprehensive or uncertain about a meeting, take a friend or peer advocate along with you.
10. When a problem arises, concentrate on a problem solving approach. Avoid blaming and excuse making. Approach the problem, not the personality of the person. Don't accept excuses, but try to get a plan developed which will solve the problem.



## Acronyms and Definition of Terms

**Accommodations:** Provisions are made in “how” a student accesses information/demonstrate learning.

**APE – Adaptive Physical Education:** Direct physical education services provided by an adapted physical education specialist to pupils who have needs that cannot be adequately satisfied in other physical education programs as indicated by assessment/evaluation of motor skills performance and other areas of need.

**Assessment:** Observations and testing of children to identify the strengths and weaknesses of the child in order to develop an appropriate education plan.

**Assessment Plan:** The description of the battery of tests (psychological, achievement, language etc.) to be used in a particular student’s assessment.

**AT – Assistive Technology:** Any item, piece of equipment, product or system, whether acquired commercially, modified or customized, that is used to increase, maintain or improve the functional capabilities of students with disabilities.

**Audiological Services:** A related service; includes identifying children with hearing loss and providing services that will help children with hearing losses maximize their strengths and abilities.

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

**Autism:** A disability category; characterized by severe language and communication deficits, lack of normal relatedness, bizarre movement and self-stimulatory patterns, lack of normal handling of toys and other objects and lack of most normal functional skills.

**BIP – Behavior Intervention Plan:** A systemic collection of information and development of a positive intervention plan in the context of an IEP or other school intervention/support meeting.

**BSP – Behavior Support Plan:** A behavior support plan is an action plan, delineating what an IEP team has determined to do if problem behavior occurs.

**CAC: Community Advisory Committee for Special Education:** A group of parents and professionals, mandated by law, that advised the Board of Education, Superintendent of Schools and school district administration about special education programs and policies.

**Cognitive:** Involves reasoning and problem solving and is measured by most tests of general intelligence. It is sometimes referred to as mental ability or intellectual ability.

**Compliance Complaint:** A complaint filed with California State Department of Education when a parent believes that the LEA violated a part of special education law or procedure.

**DB – Deaf-Blind:** A disability criteria; a loss of both hearing and vision abilities requiring special education to achieve full potential.

**DIS – Designated Instruction and Services:** Sometimes called related services; specialized instruction and/or support services identified through an assessment and written on an IEP as necessary for a child to benefit from special education (i.e. speech/language therapy, vision services, etc.).

**Due Process:** The administrative process used when the parents of a student with disabilities and the educational agency disagree about the child's eligibility, placement, program needs or related services.

**ED – Emotional Disturbance:** The student exhibits one or more of the characteristics listed below over a long period of time and to a marked degree that adversely affects educational performance.

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
2. An inability to build or maintain satisfactory relationships with peers and teachers.
3. Inappropriate types of behavior under normal circumstances.
4. A pervasive mood of unhappiness or depression.
5. Physical symptoms or fears associated with personal or school problems.

**Extended School Year:** Special education and related services in excess of those provided during the regular academic year.

**Section 504 Plan:** A 504 Plan is a legal document that outlines a plan of instructional accommodations for disabled students in the general education setting.

**FAPE – Free and Appropriate Public Education:** The right that every school-age student with disabilities has to access an education that meets his or her individual needs.

**Goals:** Broad or general statements of what will be learned by the student.

**HH – Hard of Hearing:** A hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance, but which is not included under the definition of "deaf."

**Health and Nursing Service:** A related service; health-related services provided by a school nurse or by another trained professional.

**IDEA – Individuals With Disability Act (PL101-476):** Federal statute governing special education for students with disabilities.

**IEP – Individual Education Program:** A written document, required by law, that defines a child's disability, states current levels of academic and functional performance, describes educational needs, and specifies annual goals and the service required to meet the annual goals.

**IEP Team:** The Individual Education Program Team, which includes parents, who meet to assess your child's needs, develop program plans, make program placement and make program placement

**IFSP – Individual Family Service Plan:** An early education plan specially designed to meet the unique needs of infants, from birth to three years of age, and their families. The primary purpose of an IFSP is to enhance development of the infant.

**Inclusion:** The delivery of education to the special education student in the general education classroom/community based on collaboration with support personnel, services of the general education staff, the special education staff and support personnel.

**Intellectual Disability:** A student has significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affect a student's educational performance.

**IPP – Individual Program Plan:** An annually reviewed record of program and service needs provided by the regional center (i.e. respite care, behavior management training, etc.).

**ITP – Individual Transition Plan:** An educational plan designed to facilitate a student's moving from one setting to another (e.g., from one classroom or school to another, or from school to adult living work). Transition planning begins at age 16.

**LC – Learning Center:** Learning Center (LC) is a service delivery model designed to provide special education services through the use of the Learning Center. The LC is a location where specialized and targeted services are provided for specific students with individual learning plans.

**Low Incidence Disability:** A state-defined disability that qualifies for certain extra funding. Conditions include hearing impairments, vision impairments and severe orthopedic impairment or any combination thereof.

**LRE – Least Restrictive Environment:** A term referring to a federal mandate that students with special education needs are offered programs to promote maximum interaction with regular education students as close to home as possible.

**Mainstreaming:** A term referring to the time during which a special education student participates in chronologically age-appropriate regular education activities, either academic or non-academic (i.e. math and reading or lunch, recess and art).

**MH – Multiple Handicapped:** A disability criteria; having two or more disabilities.

**Modifications:** Changes in course content, teaching strategies, standards, test presentation, location, timing, scheduling, expectations, student responses, or the learning environment that substantially change the standards or level of expectation for student performance.

**MR – Mental Retardation:** This term has been replaced by the term Intellectual Disability. A student has significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affect a student's educational performance.

**NPS – Non-public School:** A private, nonsectarian school that has been certified by the state of California to provide special education services to students based on their Individualized Education Plan.

**OH – Orthopedically Handicapped:** A disability category; involving the neuromuscular skeletal system that affects the ability to move, as in paralysis or cerebral palsy.

**OHI – Other Health Impairment:** Having limited strength, vitality or alertness due to chronic or acute health problems such as heart condition, tuberculosis, rheumatic fever, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia or diabetes, which adversely affects a child's educational performance.

**OT – Occupational Therapy:** Therapy to assist the child with severe balance and coordination problems, perceptual motor deficits and difficulty in the performance of daily living skills. Given when assessment shows that motor and perceptual difficulties interfere with classroom performance.

**PT – Physical Therapy:** A related service. Therapy to remediate mobility and gait and to modify strength, balance, tone and posture; given when assessment shows a discrepancy between gross motor performance and other educational skills.

**Referral:** The request to identify and assess a child's special educational needs. A referral may be made by a parent, teacher, medical personnel or anyone with specific knowledge of the child.

**RSP – Resource Specialist Program:** Program designated to provide instruction and services for students whose special education needs have been identified by the IEP team and who are assigned to a general education class for the majority of the school day.

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

**SELPA – Special Education Local Plan Area:** The agency responsible for the coordination special education services within a geographic area.

**SH – Severely Handicapped:** A disability criteria containing the currently used labels of trainable mentally handicapped, severely/profoundly handicapped, severely emotionally disturbed, autistic and multi-handicapped.

**SLD – Specific Learning Disability:** A disorder in one or more of the psychological processes involved in understanding or using spoken or written language that may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations, and results in a severe discrepancy between The student’s intellectual ability and his/her achievement in one of those academic areas that adversely affect a child’s educational performance.

**Speech Therapy:** A related service; helps children learn to speak and use language; speech therapy is supervised by a speech pathologist or a speech and language therapist.

**SST – Student Study Team:** A school site team which includes the parent and the student. A function of regular education designed to assist student who are not progressing at a “satisfactory” rate. Its purpose is to clarify problems and concerns, develop strategies and organize resources as well as establish a system for accountability.

**TBI – Traumatic Brain Injury:** An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, which adversely affects a child’s educational performance.

**Transition:** A time in a child's life when he or she moves or starts planning to move from one educational program to another, or from education to other environments (e.g., from an infant program to preschool or from school to work).

**Vision Services:** A related service; instruction that helps children with visual impairments to access general education curriculum.

**VI – Visually Impaired:** A disability criteria; a vision loss affecting the ability to learn in school.

**Vocational Education Training:** Instruction designed to support and prepare students aged 16 through 21 for occupational opportunities.

**SUTTER COUNTY LOCAL PLAN AREA  
PARTICIPATING DISTRICTS AND COUNTY OFFICE**

Brittan Elementary School District  
2340 Pepper Street  
Sutter, CA 95982  
(530) 822-5155 (530) 822-5143 fax

Browns Elementary School District  
1248 Pacific Avenue  
Rio Oso, CA 95674  
(530) 633-2523 (530) 633-0345 fax

East Nicolaus Joint Union High  
School District  
2454 Nicolaus Avenue  
Nicolaus, CA 95659  
(530) 656-2255 (530) 656-1065 fax

Franklin Elementary School District  
332 North Township Road  
Yuba City, CA 95993  
(530) 822-5151 (530) 822-5177 fax

Live Oak Unified School District  
2201 Pennington Road  
Live Oak, CA 95953  
(530) 695-5400 (530) 695-5403 fax

Marcum-Illinois Union School  
District  
2452 El Centro Blvd.  
East Nicolaus, CA 95659  
(530) 656-2407 (530) 755-4302 fax

Meridian Elementary School  
District  
15898 Central Street  
Meridian, CA 95957  
(530) 696-2604 (530) 696-0406 fax

Nuestro Elementary School District  
3934 Broadway Road  
Live Oak, CA 95953-9401  
(530) 822-5100 (530) 822-5178 fax

Pleasant Grove Joint Union School  
District  
3075 Howsley Road  
Pleasant Grove, CA 95668  
(916) 655-3235 (916) 655-3501 fax

Sutter County Superintendent of  
Schools  
970 Klamath Lane  
Yuba City, CA 95993  
(530) 822-2900 (530) 671-3422 fax

Sutter Union High School District  
P. O. Box 498 / 2665 Acacia Street  
Sutter, CA 95982  
(530) 822-5161 (530) 822-5168 fax

Winship-Robbins Elementary School  
District  
4305 South Meridian Road  
Meridian, CA 95957  
(530) 696-2451 (530) 696-2262 fax

Yuba City Charter School  
256 Wilbur Avenue  
Yuba City, CA 95991  
(530) 822-9667 (530) 822-9629 fax

Yuba City Unified School District  
750 Palora Avenue  
Yuba City, CA 95991  
(530) 822-5200 (530) 671-2454 fax



## SUPPORT SERVICES AND RESOURCES

### CHILDREN/YOUTH SERVICES

California Children Services (CCS)  
1445 Veterans Memorial Circle  
Yuba City, CA 95993 (530) 822-7215

Child Development Programs  
445 Bernard Drive  
Yuba City, CA 95991 (530) 822-5235

Children's Home Society  
990 Klamath Lane, Suite 18  
Yuba City, CA 95993 (530) 673-7503

Family Intervention and Community  
Support (FICS)  
103 D Street  
Maryville, CA 95901 (530) 671-3427  
[www.victor.org](http://www.victor.org)

Family SOUP  
1650 Sierra Ave, #106  
Yuba City, CA 95993 (530) 751-1925  
[www.familysoup.org](http://www.familysoup.org)

Migrant Education Region II  
1670 Sierra Ave, Suite 602  
Yuba City, CA 95993 (530) 749-3270

Sutter County Intervention &  
Prevention Programs  
970 Klamath Lane  
Yuba City, CA 95993 (530) 822-2968

Sutter County School Infant Program  
970 Klamath Lane  
Yuba City, CA 95993 (530) 822-2937

Yuba/Sutter Children's Type 1 Diabetes  
Support Group  
990 Klamath Lane  
Yuba City, CA 95993 (530) 763-4171  
Contact Person: Ouida Wakefield

Yuba Sutter Headstart Program Office  
1128 Yuba Street  
Marysville, CA 95901 1(866) 417-4255

### RECREATION SERVICES

Able Riders  
1650 Sierra Ave, #106  
Yuba City, CA 95993 (530) 751-9526

Butchie's Pool  
144 Gibson Ave.  
Yuba City, CA 95991 (530) 671-4373

Little League  
Challenger Division  
Wayne & Kathy Helm (530) 821-0310

TOP Soccer  
Leonard Marks (530) 755-4464

Yuba-Sutter Special Olympics  
TJ Fetters  
1171 Phillips Rd  
Yuba City, CA 95991 (530) 673-2961

### LOCAL AGENCIES

Alta California Regional Center  
1506 Starr Drive, Suite A  
Yuba City, CA 95993 (530) 674-3070  
[www.altaregional.org](http://www.altaregional.org)

California Exceptional People  
Service, Inc  
1193 Live Oak Blvd.  
Yuba City, CA 95991 (530) 790-7501  
(530) 790-7506 TTY

California State Dept. of Rehabilitation  
1237 Live Oak Boulevard  
Yuba City, CA 95991 (530) 822-4591  
[www.dor.ca.gov](http://www.dor.ca.gov)

Community Resource Services (CRS)  
1585 Butte House Rd  
Yuba City, CA 95993 (530) 741-2140

Easter Seal Society  
1670 Sierra Ave, Suite 601  
Yuba City, CA 95993 (530) 673-4585  
[www.myeastersealsorg](http://www.myeastersealsorg)

## SUPPORT SERVICES AND RESOURCES

### FREED Center for Independent Living

508 J Street  
Marysville, CA 95901 (530) 742-4474  
[www.freed.org](http://www.freed.org)

### InAlliance

411 4th Street  
Wheatland, CA 95692 (530) 633-9927  
[www.inallianceinc.com](http://www.inallianceinc.com)

### Nor-Cal Center on Deafness

1521 Butte House Rd Suite B  
Yuba City, CA 95993  
(530) 740-7802 TTY  
(530) 740-7803 Voice  
[www.norcalcenter.org](http://www.norcalcenter.org)

### Quality Education Service and Training (QUEST)

909 Spiva Ave.  
Yuba City, CA 95991 (530) 751-1652

### Social Security Administration

355 Percy Ave.  
Yuba City, CA 95991  
(866) 331-5449  
[www.ssa.gov](http://www.ssa.gov)

### Strategies To Empower People (S.T.E.P)

110 Gateway Dr. Suite 240  
Lincoln, CA (916) 209-3590  
[www.stepagency.com](http://www.stepagency.com)

### Sutter County Community Advisory Committee (CAC)

970 Klamath Lane  
Yuba City, CA 95993 (530) 822-2937

### Sutter County Health Department

1445 Veterans Memorial Circle  
Yuba City, CA 95993 (530) 822-7215

### Sutter County In-Home Supportive Services (IHSS)

1965 Live Oak Blvd.  
Suite C  
Yuba City, CA 95991 (530) 822-7151

### Sutter County SELPA

970 Klamath Lane  
Yuba City, CA 95993 (530) 822-2907

### Sutter-Yuba Mental Health Services

1965 Live Oak Blvd. Suite A  
Yuba City, CA 95991 (530) 822-7200  
[www.co.sutter.ca.us](http://www.co.sutter.ca.us)

### Tri- County Respite Service

1215 Plumas St., Suite 1502  
Yuba City, CA 95991 (530) 755-3500

### Yuba College Disabled Students Programs

2088 N. Beale Rd.  
Marysville, CA 95901 (530) 741-6795  
(530) 741-6994 TTY

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

**NOTICE OF PROCEDURAL SAFEGUARDS AND PARENTS' RIGHTS**

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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.

**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 (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.

**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" (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 (IEP) and under public supervision to your child at no cost to you.

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

Yes. You are an important member of the team. 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.

The parent, guardian, or the school district 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 school district 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.

**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 at your school or in the district can 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.

# **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. This notice is also sent to you if you revoke your consent for all special education and related services and wish to withdraw your student from special education.

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.

You will be given this notice if the school district refuses your request to take the actions described above.

### **What will the notice contain?**

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.

## **How will a notice be given to me?**

Most often you will receive written notices sent to you in the mail or hand delivered by district staff.

## **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. As the parent, you have 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 not counting days during school breaks longer than five days.

### **When is my approval required for services?**

You must give informed, written consent before your school district can place your child in special education for the first time and before it can initially provide your child with special education and related services.

### **Can I refuse to give my consent?**

Yes. As the parent, you can refuse to give your consent for the initial assessment and the re-assessment of your child. You can also refuse to give your consent for the initial placement in special education.

### **What are the procedures when you, as the parent, do 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 special education services, the school district must not provide special education and related services. The district cannot 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.

You and the district may agree to try mediation first to resolve your disagreements. Mediation is a voluntary step in problem-solving.

## **Revoking your consent for all special education and related services**

### **Can I revoke my consent for special education?**

Yes. You have the right to revoke your consent for your child to receive all special education and related services. You can revoke your consent for placement in special education at any time. The school district does not have any procedure or right to deny your revocation of consent.

The district may ask you for the reason that you revoked your consent but you are not required to give a response to the district's question. You cannot be required to attend any meetings to discuss your revocation.

The district cannot file for a due process hearing or request mediation to dispute your revoking your consent. The district is also protected by law from any later allegations that it failed to offer your child FAPE because you revoked your consent.

### **How do I revoke my consent?**

You must revoke your consent in writing. The written revocation of your consent may be given to your child's special education teacher, your school administrator, or the district's special education administrator.

### **What happens after I revoke my consent?**

If you submit a written statement revoking your consent, the district will give you a Prior Written Notice to let you know that the district received your written revocation of consent for your child to be provided all special education and related services. The Prior Written Notice will tell you the date that all special education and related services will cease. The district is required to give you this notice before it can cease providing services to your child.

### **What happens after all services cease?**

On the date that all services cease, your child is no longer a student with disabilities under state and federal special education law. Your child will be a general education student. Your child will no longer be protected by these procedural safeguards except for those in respect to referral, assessment, and identification. The modifications and accommodations, if any, which were offered by your child's IEP will no longer be guaranteed. The protections and safeguards related to discipline, statewide and districtwide testing programs, graduation, and other educational areas guaranteed to students with disabilities will no longer be available to your child.

The school and classroom that your child is in as a general education student may be affected by the revocation if the placement in the school or classroom was made by your child's IEP team.

### **Is my revocation of consent retroactive?**

No. Your revocation of your consent is effective on the date that services cease as stated in the Prior Written Notice sent to you by the district.

### **What happens to my child's education records?**

If you revoke your consent for your child to receive special education and related services, your child's records are not changed. The district is not required to amend your child's educational records regarding the special education status or services of your child prior to your revoking consent. You do have rights to review your child's records and to request that they be amended to correct any inaccuracies.

### **What if I want my child in special education later?**

Your child can be referred again for assessment to determine if your child is eligible for special education. You cannot reinstate your consent once you have revoked it in writing.

If your child is re-referred, the timelines and other procedures for an initial referral are in force and effect.

## **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.

## **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.

## **Independent Educational Assessments**

### **Can 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.

## **Access to Educational Records**

### **Can 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.

## **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.

### **Mediation and Alternative Dispute Resolution**

#### **Can 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 non-adversarial 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.

## **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;
2. Be accompanied and advised by an attorney and/or individuals who have

knowledge about children with disabilities;

3. Present evidence, written arguments, and oral arguments ;
4. Confront, cross-examine, and require witnesses to be present;
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions;
6. Have your child present at the hearing;
7. Have the hearing be open or closed to the public;
8. 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;
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;
10. Have an interpreter provided (CCR 3082[d]);
11. Request an extension of the hearing timeline;
12. Have a mediation conference at any point during the due process hearing; and

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

## **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.

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.

### **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.

### **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.

### **Can 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.

### **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.

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.

### **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

### Can 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 recur.

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.

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.

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.

## State Special Schools

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

## Children Attending Private School

### Can 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.

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.

### **Must I notify the district if I intend to place my child in a private school and seek public financing?**

Yes. 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.

### **When can 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.

### **When can 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.

### **Can the District observe my child in the private school setting?**

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

## **State Complaint Procedures**

### **When can 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.

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

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 California Department of Education  
Special Education Division  
Procedural Safeguards Referral Service  
1430 N Street, Suite 2401  
Sacramento, CA 95814  
(800) 926-0648 (voice)  
(916)327-3704 (fax)  
<http://www.cde.ca.gov/sp/se>

## **CONSENT TO BILL CALIFORNIA MEDI-CAL & TO RELEASE OR EXCHANGE INFORMATION FOR HEALTH-RELATED SPECIAL EDUCATION AND RELATED SERVICES**

This Written Notice is given to Parent (“You”) by School District/Local Education Agency (LEA)/County Office of Education (COE).

LEA/COE is required to provide your child with a free, appropriate public education (FAPE).

With your consent, LEA/COE may use your child’s Medi-Cal benefits to help pay for his/her special education services that are insurance billable, for example, speech and language therapy, occupational therapy and others.

With your consent, LEA/COE may disclose to its billing agent, the California Medi-Cal program, the following information about your child FOR THE SOLE PURPOSE of processing claims for reimbursement: name, birth date, gender and special education service (including the type, date, number of service(s) and the name of the service provider).

### You MAY:

- **Refuse to sign the consent on your student’s IEP** (and LEA/COE is still required to provide special education services to your child at no cost to you).
- **Withdraw your consent** to allow LEA/COE to bill Medi-Cal at any time (however that will not negate prior billings so your withdrawal is not retroactive).
- **Withdraw your consent** to allow LEA/COE to release/exchange personally identifiable information.

### LEA/COE MAY NOT:

- Require you to sign up for or enroll in Medi-Cal or other public benefits in order for your child to receive FAPE.
- Require you to incur an out-of-pocket expense such as a deductible or co-pay.
- Use your child’s benefits if that would:
  - decrease available lifetime coverage or any other Medi-Cal insurance benefit,
  - result in the family paying for services that would otherwise be covered by the Medi-Cal public benefits program and that are required for the child outside of the time the child is in school,
  - increase premiums or lead to the discontinuation of Medi-Cal benefits, OR
  - risk loss of eligibility for home and community-based waivers, based on combined health-related expenditures.

By signing the statement regarding “consent to bill Medi-Cal” on your student’s IEP, you are consenting to allow LEA/COE to bill Medi-Cal and are allowing release/exchange of personally identifiable information for the purpose of making a claim.

## District Contact Information

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Please contact the Special Education Administrator or designee at the phone number listed below for your LEA if you need assistance in understanding the provisions of your rights and safeguards or require a translation orally, by other means, in a different language or other mode of communication.

| <b>District</b>                                       | <b>Phone</b> |
|---|--------------|
| Brittan Elementary School District                    | 530-822-5155 |
| Browns Elementary School District                     | 530-633-2523 |
| East Nicolaus Joint Union High School District        | 530-656-2255 |
| Franklin Elementary School District                   | 530-822-5151 |
| Live Oak Unified School District                      | 530-695-5400 |
| Marcum-Illinois Union School District                 | 530-656-2407 |
| Meridian Elementary School District                   | 530-696-2604 |
| Nuestro Elementary School District                    | 530-822-5100 |
| Pleasant Grove Joint Union School District            | 916-655-3235 |
| Sutter Union High School District                     | 530-822-5161 |
| Winship Elementary School District                    | 530-696-2451 |
| Yuba City Unified School District                     | 530-822-5200 |
| Yuba City Charter School                              | 530-674-1322 |
| <b>County Office</b>                                  | <b>Phone</b> |
| Sutter County Office of Education – Special Education | 530-822-2908 |
| Sutter County SELPA Office                            | 530-822-2907 |