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

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.

Education California Parent Organizations web page at
<https://www.cde.ca.gov/sp/se/qa/caprntorg.asp>.

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

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 5 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 CDE, State Special Schools web page at <https://www.cde.ca.gov/sp/ss/index.asp>, or ask for more information from the members of your child's IEP team.

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 FAPE. (20 sections 1415[b][3] and (4), 1415[c][1], and 1414[b][1]; 34 Section 300.503; sections 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 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 Section 300.304; Section 56321)

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 sections 1415[b][3] and [4], 1415[c][1], and 1414[b][1]; 34 Section 300.503)

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 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 60 days of your consent.

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

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4. Is not required to convene an IEP team meeting or develop an IEP under 34 sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 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.

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 Section 1415[b][2]; 34 Section 300.519; Secd i9[(S)-p .

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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 Section 1415[b][6]; 34 Section 300.507;

prehearing mediation conference by filing a written request with the Superintendent of the OAH 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 15 days of receipt by the Superintendent of the OAH of the request for mediation and shall be completed within 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

within five (5) business days before a hearing (sections 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 (Section 56505[e][6])

10. Have an interpreter provided (, Title 5 (5)
Section 3082[d])

11.

knowledge of the facts identified in the due process hearing request. (20 Section
1415[f][1][B]; 34 Section 300.510)

Resolution sessions shall be convened within 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 30 days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 Section
1415[f][1][B]; 34); 34

with the agreement of the parties. (20 Section 1415[i][3][B]–[G]; 34 Section
300.517; Section 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

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 10 consecutive school days
- Additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct

After a child with a disability has been removed from his or her current placement for 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 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 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.

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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 10 business days (including holidays) before removing your child from the public school. (20 Section 1412[a][10][C]; 34 Section 300.148; Section 56176)

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 Section 1412[a] [10] [C]; 34 Section 300.148; Section 56177)

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 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 Section 300.151–153; 5 Section 4600)

Alpha Family Resource Center Exceptional Family Resource Center	Santa Barbara	https://alphasb.org/

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