

T23-838,

What is the 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?

You must be given the opportunity to participate in any decision-making meeting regarding your child’s special education program. You have the right to participate in

educational system and provide information, training, and additional resources for families of students and young adults with disabilities. Contact information for these organizations is found on the CDE, Special Education California Parent Organizations web page at <https://www.cde.ca.gov/sp/se/qa/caprntorg.asp> pat

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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 a stropode sc4.84 TmpotEiing

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* Section 1415[b][6]; 34 *CFR* Section 300.507; *EC* sections 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 nonattorney 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 of the Office of Administrative Hearings (OAH). The party initiating a

prehearing mediation conference by filing a written request with the Superintendent of

within five (5) business days before a hearing (*EC* 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 (*EC* Section 56505[e][6])
10. Have an interpreter provided (*California Code of Regulations*, Title 5 (5 *CCR*) Section 3082[d])
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knowledge of the facts identified in the due process hearing request. (20 *USC* Section 1415[f][1][B]; 34 *CFR* Section 300.510)

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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

manner as it would for a child without a disability. (20 *USC* Section 1415[k][1] and [7]; 34 *CFR* Section 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within 20 school days of the date on which you requested the hearing. (20 *USC* Section 1415[k][2]; 34 *CFR* Section 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* Section 300.530; *EC* Section 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* Section 1415[a][10][A]; 34 *CFR* sections 300.137 and 300.138; *EC* Section 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* Section 1412[a][10][C]; 34 *CFR* Section 300.148; *EC* Section 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 10 business days (including holidays) before removing your child from the public school. (20 USC Section 1412[a][10][C]; 34 CFR Section 300.148; EC Section 56176)x

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 did not have a copy of the IEP or other documents needed to provide notice

Organization	Counties Served	Website
Family Focus Resource and Empowerment Center	<p>Los Angeles – (Catchment Area A) includes the following LEA regions and zip codes: Acton-Agua Dulce USD, Antelope Valley Union High SD, Castaic Union SD, Eastside Union Elementary SD, Gorman Joint SD, Hughes-Elizabeth Lakes Elementary SD, Keppel Union Elementary SD, Lancaster Elementary SD, Las Virgenes USD, Newhall SD, Palmdale Elementary SD, Saugus Union SD, SBE - Academia Avance Charter, Sulphur Springs Union SD, Westside Union Elementary SD, William S. Hart Union High SD, Wilsona Elementary SD</p> <p>Los Angeles USD zip codes: 90290, 91040, 91042, 91303, 91304, 91306, 91307, 91311, 91316, 91324, 91325, 91326, 91330, 91331, 91335, 91340, 91342, 91343, 91344, 91345, 91352, 91356, 91364, 91367, 91371, 91401, 91402, 91403, 91405, 91406, 91411, 91423, 91436, 91601, 91602, 91604, 91605, 91606, 91607, 91608</p>	https://csun.edu/family-focus-resource-center
Family Resource Center of the Redwoods	Del Norte	www.frcredwoods.org
Family Resource Navigators	Alameda	https://familyresourcenavigators.org/
Family Resource Network	Amador, Calaveras, San Joaquin, Stanislaus, Tuolumne	https://www.frcn.org/
Family SOUP	Colusa, Sutter, Yuba	http://www.familysoup.org/
H.E.A.R.T.S. Connection Family Resource Center and Empowerment Center	Kern, Inyo, Mono	http://www.heartsfrc.org/

Organization	Counties Served	Website
Special Parents Information Network (SPIN)	San Benito, Santa Cruz	https://www.spinisc.org/
Support for Families of Children with Disabilities Team of Advocates for Special Kids, Inc. (TASK)	San Francisco	https://www.supportforamilies.org/

Organization	Counties Served	Website
<p>Team of Advocates for Special Kids, Inc. (TASK)</p>	<p>Los Angeles – (Catchment Area E) includes the following LEA regions and zip codes: Hermosa Beach City SD, Manhattan Beach USD, Palos Verdes Peninsula USD, Redondo Beach USD, Torrance USD Los Angeles USD zip codes: 90275, 90501, 90502</p>	<p>https://taskca.org/</p>
	<p>Los Angeles – (Catchment Area F) includes the following LEA regions: Long Beach USD</p>	
	<p>Los Angeles – (Catchment Area G) includes the following LEA regions: ABC USD, Bellflower USD, Little Lake City Elementary SD, Norwalk La Mirada</p>	
	<p>Los Angeles – (Catchment Area H) includes the following zip codes: Los Angeles USD zip codes: 90710, 90717, 90731, 90732, 90744, 90745, 90746, 90810</p>	
	<p>Los Angeles – (Catchment Area I) includes the following LEA regions and zip codes: Burbank USD, Glendale USD, La Cañada USD Los Angeles USD zip codes: 90004, 90005, 90006, 90010, 90012, 90013, 90014, 90015, 90017, 90019, 90020, 90021, 90026, 90027, 90028, 90029, 90035, 90036, 90038, 90039, 90046, 90048, 90057, 90068, 90069, 90071</p>	

T21-822, Notice of Procedural Safeguards