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## Fontana Unified School District

# SELPA/SPECIAL SERVICES

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# Parent Responsibilities and Parent/Child Rights

Districts must provide the parents of a child with a disability with notice of the procedural safeguards that the IDEA establishes. (34 CFR 300.504 (a).) A copy of the procedural safeguards must be given to the parent of a student with disability once every year, except that a copy must also be provided:

- upon initial referral or parent request for evaluation;
- upon receipt of the first state (CDE) complaint in the school year;
- upon receipt of the first due process (OAH) complaint in that school year;
- In accordance with disciplinary procedures; and
- upon request by a parent.

## Confidentiality

All information regarding students and their families is confidential. Written permission from parents or adult students is required before personally identifiable information is released to anyone other than officials of participating agencies collecting or using the information under this part, subject to certain exceptions. An educational agency or institution must maintain, for public inspection, a record of parties obtaining access to education records collected, maintained, or used under this part (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

and the consent describes that activity including lists of the records (if any) that will be released and to whom.

PARENTS MAY REVOKE THEIR CONSENT AT ANY TIME

## Surrogate Parents

Where a student with a disability lacks a parent or guardian under specified circumstances (listed below), the District must take steps to appoint a surrogate parent. The surrogate parent may represent the child in all matters relating to the identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP and in other matters related to the provision of FAPE to the child. (34 C.F.R. § 300.519(g); Educ. Code § 56050(b); Govt. Code, § 7579.5(c).)

The surrogate parent's role on the IEP team is to represent the rights of a student with special needs in all educational matters related to the provision of FAPE. It is the responsibility of the District to ensure that the rights of a child are protected in determining the need for, and assigning, a surrogate parent whenever the child is referred or eligible for special education under one or more of the following circumstances:

1. No parent for the student can be identified.
2. The District, after reasonable efforts, cannot locate a parent.
3. The student is adjudicated a ward or dependent of the court pursuant to Welfare and Institutions Code sections 300, 601, or 602, upon referral of the child for special education and related services, or if the student already has an IEP;
4. The court specifically has limited the right of the parent or guardian to make educational decisions for the student; and

- ~ obtain an independent outside assessment at public expense under certain conditions. Procedures for obtaining such assessments are outlined in Independent Education Assessment (Evaluation) sections;
- ~ present information including the results of independent assessment for consideration by the district;
- ~ an assessment that is designed to be free of racial, cultural, or sexual discrimination and in the child's primary language;
- ~ tests and other assessment material that have been validated for the specific purpose for which they are used, are administered by trained personnel, and are tailored to assess specific areas of educational need;
- ~ have a description of the procedure and assessments to be used and to be fully informed of the assessment results. Parents will be provided with a copy of assessment results. No placement or

# Eligibility for Special Education Services

Special Education is defined by federal (Individuals with Disabilities Education Act, I.D.E.A.) and state law (Education Code) as specially designed instruction, at no cost to the parents to meet the unique needs of the individual with exceptional needs. Everyone has relative learning strengths and weaknesses. When a child's identified disability is so impactful that it affects his/her educational performance, the student may be found eligible for special education services.

In general, to qualify for special education in California, (i) the child must have one or more eligible disabilities; (ii) the disability must negatively affect her/his educational performance; and (iii) the disability must require special education and related services. California law also requires that the child meets certain disability criteria and age requirements. A child is not eligible for special education if the

**E[illegible](ED)** For purposes of this section, “established medical disability” means a disabling medical condition or congenital syndrome that the individualized education program team determines has a high predictability of requiring special education and services

**[illegible](H** Hearing impairment is an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

**[illegible]S** A language or speech disorder is defined by one or more the following:

- ~ Articulation disorder - reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention.
- ~ Abnormal Voice - characterized by persistent, defective voice quality, pitch, or loudness.
- ~ Fluency Disorders - the flow of verbal expression including rate and rhythm adversely affects 5ai ..387e-08i-4

# Child Find and Referral

Child Find is an ongoing process used by Fontana Unified School District educators and administrators to identify children birth through 21 years who may be eligible to receive special education and related

## Request for Assessment

- ~ District must respond within 15 days of receipt of written request
  - ë District may deny the request using a Prior Written Notice (PWN) if the district feels the student is receiving a Free Appropriate Public Education (FAPE) in the general education program, which is considered the Least Restrictive Environment (LRE).
  - ë District agrees to assess a student and provides an Assessment Plan (AP) for the parent to consider and review within 15 calendar days of the receipt of the referral. Breaks in excess of 5 days may extend the timelines.
  - ë Parent will be provided a copy of Procedural Safeguards
- ~ Parent provides written consent to the proposed Assessment Plan. If the parent has questions or concerns regarding the plan, the district and the parent shall work together to address concerns.
- ~ The school has 60 calendar days (excluding days during school breaks of more than 5 school days) from the time of the school receives the signed parent assessment plan to complete all assessments, prepare assessment results, schedule, and hold the initial IEP team meeting.
  - ë In order to gather as much pertinent information about the student as possible, the school may ask the parent to sign an Exchange of Information form. This form would allow the appropriate school personnel to contact outside service providers working with the student.
- ~ IEP meeting to be held within the 60-day timeline, to review the results and determine special education eligibility.

# Development and Implementation of an IEP

- ~ for children in grades 7 to 12, any alternative means and modes necessary for the child to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation;
- ~ for children whose primary language is other than English, linguistically appropriate goals, objectives, programs and services;
- ~ provision for the transition into the regular class program if the child is to be transferred from a special class, or nonpublic school into a regular class in a public school for any part of the schooldays; and
- ~ appropriate specialized services, materials, and equipment for students with low incidence disabilities.

## Transition

Parents play an important role in their student's transition from the school setting to the world of adult living, working and in the community. Although the formal process of transition planning is not required of a school until after the student turns 15, prior to the student's 16th birthday, it is helpful for parents to begin exploring the topic much sooner. Transition, in reference to individuals receiving special education services, is defined as a coordinated set of activities for a student with a disability that:

- ~ Is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student to facilitate the student's movement from school to post-school activities. These would include postsecondary education, vocational education, integrated employment (including supported employment); continuing and adult education, adult ser-2.2 ( )0.cgnn Tf

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.

## Education Setting for Special Education Services

Fontana Unified School District offers a range of special education services to students. Each student may receive specially designed instruction and support services in areas of specific need as indicated on his or her Individualized Education Program (IEP). This means that services can be a unique combination of facilities, personnel, location, or equipment necessary to provide instructional services to an individual with exceptional needs, as specified in the IEP, in any one or a combination of public, private, home and hospital, or residential settings. (5 Cal. Code Regs. § 3042.) The educational placement decision for a student with a disability is made by an IEP team including the parents, and other persons knowledgeable about the student. (Educ. Code § 56342.5.)

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Special Education is a service, not a place. General education is the assumed setting when considering educational programming for all students, including students with disabil(di47)1.9 ( 5 (h)--3 ( )1)-5.2 (.)3.5 (i)5.7 (iT

Related Services are supportive services provided to help a student benefit from a special education program and are based on assessed need. A related service supports the student in accessing their primary educational program.

The educational need is determined through an assessment during the IEP process. Students may be in general education classes and receive a related service (i.e., speech therapy only).

The district must provide related services as deemed appropriate by the IEP team. Related services may be provided by district personnel or through contracted agencies.

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|---|---|---|
| ~ Speech and Language Services | ~ Audiological Services | ~ Orientation and Mobility Services |

of federal or state law or regulation governing special education or related services for an individual student.

- To file a state complaint, contact the California Department of Education, Special Education Division, Procedural Safeguards Referral Service (PSRS), 1430 N Street, Suite 2401, Sacramento, CA 95814-5901, Fax: 916-327-3704

## Due Process Hearings

Due process hearing procedure rights extend to the student, parent, and public education agency. Any of these may initiate a due process hearing whenever there is a proposal to initiate or change, or a refusal to initiate or change, the identification, assessment, or educational placement of the pupil or the provision of a free, appropriate public education, or when the parent refuses to consent to an assessment.

Prior to a due process hearing, the district must convene a meeting of parents and relevant member(s) of the IEP team for a Resolution Session within 15 days of reviewing notice of the parents' due process hearing request. Attendees shall include a district representative who has decision-making authority on behalf of the agency. District legal counsel shall not attend the Resolution Session unless parent is accompanied by an attorney. At the meeting, parents may discuss their concern/issue and district shall be provided an opportunity to resolve the matter. Resolution sessions may be waived if both parents & district agree or agree to mediation instead. If issue is resolved through resolution session, a legally binding agreement is developed and signed by parents & district. If issue is not resolved to parents' satisfaction within 30 days of district receipt of the due process hearing request notice, the due processing hearing may occur. Discussions and decisions made in Resolution Sessions are not confidential.

The due process hearing rights under State law include but are not limited to the right to: mediation conference; examination of pupil records; and a fair and impartial administrative hearing at the state level, before a person knowledgeable in the laws regarding special education and administrative hearings. The hearings will be completed within forty-five (45) calendar days following receipt of written requests.

Parents have the right to:

- open the state hearing to the public;
- be informed of all rights and procedures related to the due process hearing;
- receive notice immediately of mediations and hearing dates; the notice to include date, time, and place of both mediation and hearing;
- information regarding available free or low cost legal or appropriate other services upon the district's receipt of written notification of a request for a due process hearing;
- if the parent does not have an attorney, the district upon request by the parent will provide a mediator to assist the parent in identifying issues and proposed resolution of issues;
- present evidence, written arguments, and oral arguments;
- be accompanied and advised by counsel and individuals with special knowledge or training relating to the problems of children and youth with disabilities; • confront, cross-examine, and compel the attendance of witnesses and present evidence;
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- have the child who is the subject of the hearing present at the hearing

Any party to a hearing has the right to:

- be accompanied and advised by counsel (not necessarily at public expense) and by individuals with special knowledge or training with respect to problems of children wit

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Sacramento, CA 95814 Ph. (800) 926-0648
Attention: PSRS Intake

Or you may file a complaint with the superintendent of the local agency and within five days, the State Department of Education must review the complaint to decide if it is a matter for State or local investigation. If the State investigates the complaint, a determination must be made within thirty (30) days.

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A mediation conference and/or hearing may be requested in writing when there is a dispute between a parent and a public agency providing special education services regarding a child's eligibility for special education, need for assessment, and/or the child's program and services

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

Additional information for requesting a mediation and due process hearing can be found at Request for Mediation and Due Process Hearing (ca.gov)

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It is the responsibility of the Office for Civil Rights in the Department of Education and the Office for Civil Rights in the Department of Health and Human Services to enforce federal laws prohibiting discrimination against persons on the basis of race, color, national origin, sex, age or mental and physical handicap. (34 CFR 100.1, 104.1, 106.1, 110.1)