NOTICE OF PROCEDURAL SAFEGUARDS AND PARENTS' RIGHTS

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

INTRODUCTION

This information provides you as parents, legal guardians, persons authorized to make educational decisions, and surrogate parents of children with disabilities from 3 years of age through age 21 with an overview of your educational rights, sometimes called procedural safeguards. This notice is also provided for students who are entitled to these rights at age 18. *(20 USC 1415; EC 56321)* A copy of these safeguards will be given to you once a year. Additional copies may be given upon an initial referral or parent request for evaluation, upon the first occurrence of the filing of a complaint under Section 615(b) (6) of H.R. 1350, upon provision of an assessment plan to parents and at your request. If your district has a website, a copy of these procedural safeguards may be made available to you through that website. [615(d) (1) (A-B)] You may elect to receive this notice and other notices required under this section by an electronic mail (e-mail) communication, if your district makes such an option available. [615(n)]

Participation in decision-making about your child's education
You have the right to refer your child for special education services. 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 an IEP meeting about the identification (eligibility), assessment, educational placement of your child and other matters relating to your child's free appropriate public education. *[20 USC 1414(b)(c)(d) and (f); EC 56341(b), 56343(c)]*

You also have the right to participate in the development of the IEP and to be informed of all program options, and the availability of a free appropriate public education.

Additionally, you have the right to generate an electronically record the meeting. The law requires that you notify the district at least 24 hours prior to the meeting if you intend to record the proceedings. *(EC 56341.1)*

Additional information for parents of students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind
The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deafblind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf. Such programs are offered to students aged five through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of Education (CDE) Web site at https://www.cde.ca.gov/sp/ss/or ask for more information from the members of your child's IEP team. *(EC 56321.6)*

Additional Assistance
When you have a concern about your child's education, it is important that you call or contact your child's teacher or administrators to talk about your child and any problems you see. Staff in the Special Education Department can answer questions about your child's education, your rights and procedural safeguards. When you have a concern, this informal conversation often solves the problem and helps 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
You have the right to receive a written notice from the school district before decisions affecting your child's special education are put into place. These include decisions to:

- identify your child as a child with a disability, or change your child's eligibility from one disability to another;
- evaluate or reevaluate your child;

- provide a free appropriate public education to your child, or change a component of your child's free appropriate public education;
- place your child in a special education program; or,
- change your child's special education placement. (20 USC 1415[b]; EC 56500.4)

You also have the right to written notice from the school district if the district refuses your request to take these actions.

The Prior Written Notice must include the following:

- a description of the actions proposed or refused by the school district;
- an explanation of why the action was proposed or refused;
- a description of other options considered and the reasons those options were rejected;
- a description of each assessment procedure, test, record or report used as a basis for the action proposed or refused;
- a description of any other factors relevant to the action proposed or refused; and
- a statement that parents of a child with a disability are protected by the procedural safeguards.

If the notice is not in regard to an initial referral for assessment, the notice must provide a statement that you have protection under procedural safeguards, information on how you can obtain a copy of described procedural safeguards, and sources of additional assistance in understanding the procedural safeguards. (20 USC 1415[c])

Parent Consent

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

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures. If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay. If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

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

Revocation of Consent

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

- May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 *CFR* Section 300.503 before ceasing such services
- May not use the procedures in subpart E of Part 300 34 *CFR* (including the mediation procedures under 34 *CFR* Section 300.506 or the due process procedures under 34 *CFR* Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
- Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services
- Is not required to convene an IEP team meeting or develop an IEP under 34 *CFR* Sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 *CFR* Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

Surrogate Parent Appointment
In order to protect the rights of the child, 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 be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institutions Code, and is referred to special education or already has an IEP. A district must make reasonable efforts to appoint a surrogate within 30 days after determining that a surrogate is needed. *(20 USC 1415[b]; EC 56050)*

Age of Majority
When your child reaches the age of 18, all rights under Part B of the Individuals with Disabilities Education Act (IDEA) will transfer to your child. The only exception will be if your child is determined to be incompetent under State Law.
(34 CFR 300.517 30; EC 56041.5)

Assessment

Nondiscriminatory Assessment
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 an appropriate education program for your child. *(20 USC 1414[a][b]; EC 56001[j] and 56320)*

Assessment Plan
When the district is seeking to assess your child, you will be given a written, proposed assessment plan. Along with that plan you will receive a copy of this Procedural Safeguards document. When the assessment is completed, an individualized education program team meeting, which includes you, the parent or guardian, and/or your representatives, will be scheduled to determine whether the student qualifies for special education services. The IEP Team will discuss the assessment, the educational recommendations and the reasons for these recommendations. A copy of the assessment report and the documentation of determination of eligibility will be given to you. *(EC 56329 (a))*

Independent Educational Evaluation
If you disagree with the results of the assessment conducted by the school district, you have the right to ask for one independent education evaluation (IEE) for your child, per evaluaton conducted by the district, from a person qualified to conduct the assessment, at public expense. The school district must respond to your request for independent educational evaluation and provide you information, upon request, about where to obtain an independent educational evaluation. Alternatively, 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 may allow in-class observation of students. If the school district observed 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 an equivalent opportunity to observe your child in the classroom. If the school district proposes a new school setting for your child an independent educational assessor must be allowed to first observe your child in the proposed new setting. (20 *USC* 1415[b][1] and [d][2][A]; 34 *CFR* 300.502; *EC* 56329[b] and [c])

Access to Educational Records

All parents of a child enrolled in the school district have the right to inspect records under the federal Family Educational limited) have the right to review all educational records regarding the identification, evaluation and educational placement of the child and the provision of a free appropriate public education and to receive an explanation and interpretation of the records. Under California statutes, the parents have the right to review and to receive copies of educational records. These rights transfer to a nonconserved pupil who is eighteen years old or attending an institution of post secondary education.

Parental consent, or the consent of an adult student, is required before personally identifiable information is released to officials of participating agencies providing or paying for transition services related to post secondary goals.

"Education record" means those records that are directly related to a pupil and maintained by an educational agency or a party acting for the agency or institutions, and may include (1) the name of the child, the child's parent or other family member; (2) the address of the child; (3) a personal identifier such as the child's social security number, student number, or court file number; (4) a list of personal characteristics or other information that would make it possible to identify the child with a reasonable certainty. Both federal and state laws further define a pupil record as any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his duties whether recorded by handwriting, print, tapes, film, microfilm, computer or by other means. Pupil records do not include informal personal notes prepared and kept by a school employee for his/her own use or the use of a substitute. If records contain information about more than one student, a parent can have access only to that portion of the record pertaining to his/her child.

Pupil records may be kept at the school site or district office, but a written request for records at either site will be treated as a request for records from all sites. The district custodian of records will provide you with a list of the types and locations of pupil records (if requested).

The custodian of the records shall limit access to those persons authorized to review the pupil record, which includes the parents of the pupil, a pupil who is at least sixteen years old, individuals who have been authorized by the parent to inspect the records, school employees who have a legitimate educational interest in the records, post secondary institutions designated by the pupil, and employees of federal, state and local education agencies. Unauthorized access will be denied unless the parent has provided written consent to release the records or the records are released pursuant to a subpoena or court order. The district shall keep a log indicating the time, name and purpose for access of those individuals who are not employed by the school district.

You have a right to inspect and review all of your child's educational 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 business days after the request has been made orally or in writing. A fee for copies, but not the cost to search and retrieve, may be charged unless charging the fee would effectively deny access to the parent. (*EC* 49060, 56043[n], 56501[b][3], and 56504)

Parents who believe that information in the education records collected, maintained or used by the school district is (among other things) inaccurate, misleading or violates the privacy or other rights of the pupil may request in writing that the school district amend the information. If the district concurs, the record will be amended and the parent will be informed. Should the district refuse to make the amendment requested, the district shall notify the parent of the right to and provide a hearing, if required, to determine whether the challenged information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the pupil. If it is decided by the governing board after the hearing that a record will not be amended, the parent shall have the right to provide what he/she believes is a corrective written statement to be permanently attached to the record. The district has policies and procedures governing the retention and destruction of records. Parents wishing to request the destruction of records, which are no longer necessary to the school district, may contact the District's Custodian of Records. However, the district is required to maintain certain information in perpetuity.
(34CFR99; CFR300.561—573; 20USC 1415 [b](1); 34 CFR 500.567; EC 49070)

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

The public education agency initiates and conducts meetings for the purpose of developing, reviewing and revising the individualized education program for each child with a disability. The IEP documents the child's eligibility for special education services and parents receive a copy of each IEP for their child. These meetings are conducted by the individualized education program (IEP) team.

When the IEP has been completed and appropriate parental consent has been provided, it is implemented as soon as possible following the IEP team meeting. A copy of the IEP is provided to the parents at no cost and if necessary, a copy of the IEP will be provided in the primary language of the parent(s), at the request of the parent(s). The IEP team must consider the concerns of the parents for enhancing the education of their child.

IEP Team Members and Responsibilities

The IEP team includes:

- An administrator or a representative designated by administration who is knowledgeable about program options appropriate for the child and who is qualified to provide, or supervise the provision of special education;
- At least one general education teacher of the child, if the child is, or may be participating, in the general education environment;
- At least one special education teacher of the child, or if appropriate, at least one special education provider of the child; and,
- One or both of the child's parents, individuals selected by the parent, or both.

When appropriate, the IEP team will also include:

- The child, including when the team will discuss transition services;
- Other persons who possess expertise or knowledge necessary for the development of the IEP;
- When the child has been assessed for purposes of developing, reviewing or revising the IEP, a person who has conducted an assessment of the child or who is knowledgeable about the assessment procedures used to assess the child and is familiar with the results of the assessment; and,
- When the child is suspected of having a learning disability, at least one member of the IEP team, other than the child's regular teacher, will be a person who has observed the child's educational performance in an appropriate setting. If the child is younger than five years or is not enrolled in a school, a team member will observe the child in an environment appropriate for a child that age.

A member of the IEP team may be excused from an IEP team meeting, in whole or in part, when the LEA and the parent agree that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed at the meeting. When the member's area of curriculum or related services is being modified or discussed at the meeting, a required member of the IEP team may be excused, but only when the LEA and the parent consent to the excusal in writing, and the member submits in writing input into the development of the IEP prior to the meeting. The excusal provisions do not apply to parents, the student or persons with special knowledge or expertise.

If the child does not attend an IEP team meeting where transition services will be discussed, the district will ensure that the child's needs and preferences are considered. The district may invite representatives from other agencies that are likely to be responsible for transition services.

HOW DISPUTES ARE RESOLVED

Due Process Hearing

You have the right to request an impartial due process hearing regarding:

- The identification of your child for special education eligibility;
- The assessment of your child;
- The educational placement of your child;
- The provision of a free appropriate public education (FAPE) for your child.

The request for a due process hearing must be filed within two years from the date you knew or had reason to know of the facts that were the basis for the hearing request. (20 *USC* 1415[b][6]; 34 *CFR* 300.507; *EC* 56501 and 56505[l])

There is an exception to this timeline if you were prevented from requesting the hearing earlier because:

a) the district misrepresented that it had resolved the problem; or
b) the district withheld information that should have been provided to you.

Mediation and Alternative Dispute Resolution (ADR)

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.

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

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

Due Process Rights

You have a right to:

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

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

Fees may be reduced for any of the following:

1. The court finds that you unreasonably delayed the final resolution of the controversy;
2. The hourly attorneys' fees exceed the prevailing rate in the community for similar services by attorneys of reasonable 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 unreasonable delayed the final resolution of the action or proceeding or there was a procedural safeguards violation. *(20 USC 1415[i])*
Attorneys' fees may not be awarded relating to any meeting of the IEP team unless an IEP meeting is convened as a result of a due process hearing proceeding or judicial action. Attorney fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten days before the hearing begins and the hearing decision is not more favorable than the settlement offer. (20 *USC* 1415[i][3][B]–[G]; 34 *CFR* 300.517)

Filing a Written Due Process Complaint
To file for mediation or a due process hearing, contact:

Office of Administrative Hearings
Special Education Unit
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-42361
Phone: (916) 263-0880
Fax: (916) 263-0890

You need to file a written request for a due process hearing. The written notice shall be kept confidential. 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; and
4. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s).

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

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

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

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

Child's Placement While Due Process Proceedings are Pending
According to the "stay put" provision of the law, a 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 to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 *USC* 1415[j]; 34 *CFR* 300.518; *EC* 56505[d])

Appeal of Hearing Decision
If the parents and the district are unable to resolve the due process complaint and it goes to hearing, the hearing decision is final and binding on both parties. Either party can appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. *(20 USC 1415[l]; EC 56505[g[and [i]; EC 56043[u])*

SCHOOL DISCIPLINE AND PLACEMENT PROCEDURES FOR STUDENTS WITH DISABILITIES

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

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.

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 *USC* 1415[k][1] and [7]; 34 *CFR* 300.530) If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 *USC* 1415[k][2]; 34 *CFR* 300.531[c]) Regardless of the setting the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 *CFR* 300.530; *EC* 48915.5[b])

CHILDREN ATTENDING PRIVATE SCHOOL

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

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

Observation of Your Child at a Nonpublic School

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 the other child's parent or guardian. *(EC 56329(d))*

Unilateral Parent Placement in Nonpublic or Private School

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- At the most recent IEP team meeting you attended before removing your child from the public school, or

- In writing to the school district at least ten (10) business days (including holidays) before removing your child from the public school. (20 *USC* 1412[a][10][C]; 34 *CFR* 300.148; *EC* 56176)

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

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

COMPLAINT PROCEDURES

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

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

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N Street, Suite 2401
Sacramento, California 95814

Within 60 days after a complaint is filed, the California Dept. of Education will: carry out an independent investigation, give the complaintant an opportunity to provide additional information, review all information and make a determination as to whether the LEA has violated laws or regulations and issue a written decision that addresses each allegation.

For complaints involving issues not covered by IDEA, consult your district's Uniform Complaint Procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone at (800) 926-0648; by fax at 916-327-3704; or by visiting the CDE Web site at http://www.cde.ca.gov/sp/se

The District would like to work with you to resolve all complaints at the local level whenever possible. We invite you to meet with the administrator who has been designated to work with compliance issues and attempt to resolve your concern informally before a complaint is filed. S/he will maintain confidentiality as permitted by law. If you complaint cannot be resolved, a formal investigation will be initiated or you will be referred to the appropriate agency for assistance.

District Contact Information

Please contact the Special Education Administrator at the phone number listed below for your school district if you:

- Would like additional copies of the Notice of Procedural Safeguards
- Need assistance in understanding the provisions of your rights and safeguards
- Require a translation orally, by other means, in a different language or other mode of communication

If you need additional assistance beyond your Local District/County Office or wish general information regarding Special Education program and services within the Kern County Consortium Special Education Local Plan Area (SELPA), you may contact the SELPA, at (636-4801) or visit the SELPA Website at http://www.kern.org/specialeducation

DISTRICT & ADDRESS	CONTACT - SPECIAL EDUCATION SERVICES
ARVIN UNION **737 Bear Mountain Rd.** **Arvin, CA 93203**	Rebecca Ruiz, Assistant Superintendent 854-6512 Fax 854-2362 rruiz@arvin-do.com
BEARDSLEY **1001 Roberts Ln.** **Bakersfield, CA 93308**	Michael Kimberlin, Special Education Director 391-6509 Fax: 392-1946 mikimberlin@beardsley.k12.ca.us
BLAKE **P.O. Box 40** **Woody, CA 93287**	Timari Duty, Teacher, Principal, Superintendent 536-8559 Fax: 536-9389 tiduty@blakesd.org
BUTTONWILLOW UNI0N **400 McKittrick Hwy.** **Buttonwillow, CA 93206**	Wendy Gutierrez, School Psychologist 764-5166 Fax: 764-5165 wgutierrez@buttonwillowschool.com
CALIENTE UNION **12400 Caliente Creek Rd** **Caliente, CA 93518**	Alan Gonzalez, Superintendent/Principal 867-2301 Fax: 867-6902 agonzalez@calienteschooldistrict.org
DELANO UNION ELEM **1405 12th Ave.** **Delano, CA 93215**	Wendy Terrazas, Director of Special Education 721-5000 Fax: 721-5099 wterrazas@duesd.org
DELANO JT. UNION HIGH **1720 Norwalk Street** **Delano, CA 93215**	Shirden Prince, Director of Special Education 720-4145 Fax: 725-3371 sprince@djuhsd.org
DI GIORGIO **19405 Buena Vista Blvd.** **Arvin, CA 93203**	La'Stevia Dixon, Special Education Coordinator 854-2604 Fax: 854-8746 ldixon@digiorgio.k12.ca.us
EDISON **P.O. Box 368** **Edison, CA 93220**	Stephanie Carson, Coordinator of Special Education 366-8440 Fax: 3634631 scarson@edison.k12.ca.us

ELK HILLS **P.O. Box 129** **Tupman, CA 93276**	Joseph Weyant, Director of Special Education 765-7431 joweyant@elkhills.org
EL TEJON UNIFIED **P.O. Box 876** **Lebec, CA 93243**	Lauren Webb,Special Education Coordinator 248-6247 ext. 2 Fax: 248-6714 lwebb@el-tejon.k12.ca.us
FAIRFAX **1500 S. Fairfax Rd.** **Bakersfield, CA 93307**	Moishe Garde, Chief Administrator of Student Services 366-7221 Fax: 366-1901 mgarde@fairfaxsd.us
FRUITVALE **7311 Rosedale Hwy.** **Bakersfield, CA 93308**	Dr. Becky Rocha, Director of Special Education 589-3830 ext. 226 Fax: 589-3674 rerocha@fruitvale.net
GENERAL SHAFTER **1825 Shafter Rd.** **Bakersfield, CA 93313**	Sandy Johnson, School Principal, Curriculum and Instruction 837-1931 Fax: 837-8261 sandraj@generalshafter.org
GREENFIELD UNION **1109 Pacheco Rd.** **Bakersfield, CA 93307**	Melissa Ortiz, Director of Support Services 837-6130 Fax: 832-4754 ortizm@gfusd.k12.ca.us
GROW ACADEMY ARVIN **901 Nectarine Ct.** **Arvin, CA 93203**	Stephanie Rubio, Special Education Coordinator 855-8243 Fax: 855-8249 srubio@growpublicschools.org
GROW ACADEMY SHAFTER **471 W. Los Angeles Ave.,** **Shafter, CA 93263**	Wendy Elmore, Special Education Coordinator 630-7220 ext. 2108 welmore@growpublicschools.org
KERNVILLE UNION **P.O. Box 3077** **Lake Isabella, CA 93240**	Marie Sampson, Special Education Director 760-379-2651 ext. 512 msampson@kernvilleusd.org
LAKESIDE UNION **14535 Old River Road** **Bakersfield, CA 93311**	JJ Elcano, Director of Support Services 834-4189 Fax: 831-1145 jelcano@lakesideusd.org
LAMONT **7915 Burgundy Ave.** **Lamont, CA 93241**	Catherine Mears, Director of Special Education 845-0751 ext. 0233 cmears@lesd.us
LINNS VALLEY-POSO FLAT **P.O. Box 399** **Glennville, CA 93226**	Tammy Pritchard, Principal/Teacher 536-8811 Fax: 536-8878 tapritc@zeus.kern.org
LOST HILLS UNION **P.O. Box 158** **Lost Hills, CA 93249**	Veronica Gregory, Special Education Coordinator 797-2626 Fax 797-3015 vegrego@losthills.k12.ca.us

MAPLE **29161 Fresno Ave.** **Shafter, CA 93263**	Bethany Zoeller, Psychologist 746-4439 Fax: 746-4765 bzoeller@mapleschool.org
MARICOPA UNIFIED **955 Stanislaus St.** **Maricopa, CA 93252**	Robert Gonzales, Special Education Coordinator 769-8231 ext. 207 Fax: 769-8168 rgonzales@musd.email
McFARLAND UNIFIED **601 Second Street,** **McFarland, CA 93250**	Juan Carrasco, Director of Special Education 792-3255 Fax: 792-0199 JuCarrasco@mcfarland.k12.ca.us
McKITTRICK **P.O. Box 277** **McKittrick, CA 93251**	Julie Vansickel, RSP Teacher/Program Coordinator 762-7303 623-6110 Fax 762-7283 jvansickel@mckittrickschool.org
MIDWAY **P.O. Box 39** **Fellows, CA 93224-0039**	Julie Vansickle, Special Education Teacher 768-4344 Fax: 768-4746 jvansickel@mckittrickschool.org
MOJAVE UNIFIED **3500 Douglas Ave.** **Mojave, CA 93501**	Alex Maupin, Director, Special Education 661-824-4337 Fax: 760-373-3786 alexandermaupin@mojave.k12.ca.us
MUROC JT. UNIFIED **17100 Foothill Ave.** **No. Edwards, CA 93523**	Christopher White 760-769-4821 Fax: 760-769-4241 cwhite@muroc.k12.ca.us
NORRIS **6940 Calloway Dr.** **Bakersfield, CA 93312**	Brandy Rosander, Administrator of Student Support Services 387-7000 Fax: 399-9750 brandy.rosander@norris.k12.ca.us
POND UNION **29585 Pond Rd.** **Wasco, CA 93280**	Jamie Dears, RSP Teacher 792-2545 Fax: 792-2303 jdears@pond.k12.ca.us
RICHLAND UNION **331 Shafter Avenue** **Shafter, CA 93263**	Jennifer Lambert, Director of Special Education 746-8644 Fax: 746-8614 JLambert@rsdshafter.org
R.E.A.L.M.S **325 South Downs** **Ridgecrest, CA 93555**	Miriam Hogg Special Education Contact 760-375-1010 miriam.hogg@realms.org
RIO BRAVO-GREELEY **6521 Enos Ln.** **Bakersfield, CA 93314**	Kimberly Kissack, Director Educational Services & Special Education 589-2696 Fax: 589-2218 kkissack@rbgusd.org
ROSEDALE UNION **2553 Old Farm Road** **Bakersfield, CA 93312**	Tina Altergott, Director of Special Education 588-6000 Fax: 587-2278 taltergott@ruesd.net

SEMITROPIC **25300 Highway 46** **Wasco, CA 93280**	Bethany Ferguson, Superintendent 758-6412 Fax: 758-4134 bferuson@semitropicschool.org
SOUTH FORK UNION **5225 Kelso Valley Road** **Weldon, CA 93283**	Mike Vogenthaler, Principal/Superintendent 760-378-4000 Fax: 760-378-3046 mvogenthaler @southforkschool.org
SOUTHERN KERN UNIFIED **P.O. Box Drawer CC** **Rosamond, CA 93560**	Sheryl Taylor, Director of Special Education 256-5060 Fax: 256-6856 staylor@skusd.k12.ca.us
STANDARD **1200 N. Chester Ave.** **Bakersfield, CA 93308**	Tess Orourke-Lepine, Special Education Coordinator 392-2110 Fax: 392-0681 torourke-lep@standardschools.net
TAFT CITY **820 N. Sixth St.** **Taft, CA 93268**	Frank Pasillas, Special Education Program Director 763-1521 fpasillas@taftcity.org
TAFT UNION HIGH **701 Seventh St.** **Taft, CA 93268**	Chelle Koerner, Director of Alternative and Special Education 763-2386 ckoerner@taftunion.org
TEHACHAPI UNIFIED **300 South Robinson Street** **Tehachapi, CA 93561**	Solomon DeFrancis, Special Education Director 822-2103 sdefrancis@tehachapiusd.com
VINELAND **14713 Weedpatch Hwy.** **Bakersfield, CA 93307**	Jennifer Pelzer, Special Education Coordinator 845-1320 x116 jepelzer@vineland.k12.ca.us
WASCO UNION **639 Broadway St.** **Wasco, CA 93280**	Niza Perez, , Director of Psychological Services 758-7150 Fax: 758-7439 niperez@wuesd.org
WASCO UNION HIGH **P.O. Box 250** **Wasco, CA 93280**	Mario Uresti, Coordinator of Special Education Services 758-7400 Fax: 758-4946 mauresti@wascohsd.org
WONDERFUL COLLEGE PREP ACADEMY DELANO **2070 Veneto St.** **Delano, CA 93215**	Nichole Angulo, Director of Special Education 721-2887 nichole.angulo@wounderfulcollegeprep.org
WONDERFUL COLLEGE PREP ACADEMY LOST HILLS **20767 Hyw 46** **Lost Hills, CA 93249**	Nichole Angulo, Director of Special Education 721-2887 nichole.angulo@wounderfulcollegeprep.org

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