

# TASK

Helping families navigate:

- ▲ Special education
- ▲ Disability services
- ▲ Assistive technology

[taskca.org](http://taskca.org)

Toll-Free in CA: 866.828.8275



**TASK is a nonprofit serving:  
Ventura, Los Angeles, Orange, Riverside, San  
Diego & Imperial Counties**

***We are a Parent Training and Information Center  
and a Family Empowerment Center***

# Basic Rights and Responsibilities

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GUIDANCE | EDUCATION | SUPPORT

# Mission Statement



TASK educates and empowers people with disabilities and their families.

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# TASK Disclaimer

TASK staff does not advise parents as to the nature of a child's disability or needs, nor do we recommend placements or therapies. We are not advocates or attorneys, but provide support and information so that parents can better understand the special education process and their options.



# Family Support Specialist Services

- One-on-one phone consultations
- In-office consultations and review of documentation
- Letter writing assistance
- Educational workshops
- Information and resources
- Community outreach

# FSS Workshops Include:

- Navigating IEPs
- Assessment Process
- Section 504
- Basic Rights & Responsibilities
- Tips & Tricks to Get and Keep a Job (Youth)
- Bully Prevention
- Journey Through Adolescence
- Transition to Middle School
- Transition to Adulthood
- Getting & Keeping Your First Job (Parents)
- Disaster Preparedness

# Assistive Technology Services

- Assistive Technology Workshops
- Individualized Lab Appointments
- AT/AAC Consultations/Clinics
- Camp TECHIE (July & August)
- TECH Connection (Social/Life Skills Group ages 12+)
- Toddler TECH (0-5)
- AAC Services
  - Project Communicate
  - Let's Talk Low Tech (Professional Development workshops)
- Information and Resources



# A.T. Workshops Include:

- APPtastic Adventures: Fun and Educational Apps for Special Education
- APPsolutely Amazing: Apps for Students with Special Needs
- APPsolute Fun: Apps for Early Learning
- Apps for Older Students: Middle School, High School and College
- AT 101
- AT for Autism and Other Disabilities
- AT for Early Learning
- AT: Tools for Transition
- Fabulous Freebies: Assistive Technology at No Cost and Adaptation Ideas for Very Low Cost
- Reading and Writing Solutions, Tips and Tricks
- Let's Talk Low Tech PD Series
  - Let's Talk Low Tech AAC: An Intro
  - AAC Outside the Box
  - AAC Make and Take
  - Benefits of Low Tech Assistive Tech



# TASK Office Locations

- Brea (Main Office)\*
- Alhambra
- Riverside
- San Diego

\*TECH Center location

# Workshop Agenda

- ❖ Special Education Acronyms
- ❖ IDEA Provisions
- ❖ Procedural Safeguards, Prior Written Notice, Review of Records
- ❖ Parents' Consent
- ❖ Parents' Participation in Special Education Decisions
- ❖ Compliance and Appeals

# Special Education Acronyms

- ADR: Alternative Dispute Resolution
- CFR: Code of Federal Regulations
- EC: California Education Code
- FAPE: Free Appropriate Public Education
- IDEA: Individuals with Disabilities Education Act
- IEE: Independent Educational Evaluation
- IEP: Individualized Education Program
- LRE: Least Restrictive Environment
- OAH: Office of Administrative Hearings
- PWN: Prior Written Notice
- SELPA: Special Education Local Plan Area
- USC: United States Code

# Special Education Rights of Parents and Children Under the Individuals with Disabilities Education Act (IDEA) Part B, and the California Education Code (EC)

- **Parents/guardians of eligible children ages 3—21 and youth who are age 18 have educational rights under IDEA.**
- **The information on the following slides was taken from the California Department of Education, Notice of Procedural Safeguards - Quality Assurance Process webpage at:**

[https://www.cde.ca.gov/sp/se/qa/ps\\_eng.asp](https://www.cde.ca.gov/sp/se/qa/ps_eng.asp)

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# IDEA Provisions

- Free Appropriate Public Education (FAPE)
- Least Restrictive Environment (LRE)
- Related services and supplementary aids and services
- Fair assessment/evaluation

# Procedural Safeguards, Prior Written Notice, Review of Records

# Notice of Procedural Safeguards

1. Required under the IDEA
2. Provides parents with an overview of their special education rights
3. Must be provided:
  - a. When requested by parents
  - b. First time that the child is referred for an assessment
  - c. Each time that parents receive an assessment plan
  - d. Upon request of the first complaint or due process hearing in a school year
  - e. When a decision is made to change the placement

# Prior Written Notice (PWN)

PWN provided:

- When the district adds, changes or denies educational services to the child or wants to change the child's placement.
- If the district denies a parent request.



# Accessing Educational Records

- Parents can request to review their child's records verbally or in writing
- Records should be made available within 5 business days of parents' request

# Parents' Consent

# Parents' Informed, Written Consent

Needs to be provided:

- Before a special education assessment can be completed
- Before special education and related services can be provided

# Procedures When Parents Do Not Provide Consent

- District can request due process if parents do not provide consent for initial assessment
- If parents do not consent to special education services, the district does not have to provide them or initiate due process
- Parents can sign all or part of the Individualized Education Program (IEP) document
- Parents can take IEP document home with them to review before making signatory decisions
- Items signed in the IEP by parent need to be implemented without delay
- District needs to request due process for the items parent did not consent to in IEP if it believes that they are necessary to provide Free Appropriate Public Education (FAPE)
- When parents don't respond, districts can re-evaluate child without parents' consent if it documents all attempts to contact them

# Revoking Consent

1. Parents can revoke their signature on the IEP to continue special education services before the district initiates services
2. If parents revoke their signature, the district:
  - a. May not continue to provide special education and related services
  - b. Must provide PWN before discontinuing special education services
  - c. May not use alternative dispute resolution (ADR) or fair hearing to obtain agreement or ruling
  - d. Will not be out of compliance for failure to provide the child with a FAPE
  - e. Does not have to hold an IEP meeting or develop an IEP plan to provide continued special education or related services

# Parents' Participation in Special Education Decisions

# Special Education Assessments

- Child assessed in all areas of suspected disability
- Materials and procedures used for assessment and placement must not be discriminatory
- Assessment materials must be provided and the test administered in child's native language or mode of communication
- No single procedure can be the sole criterion for determining eligibility and developing FAPE

# Independent Educational Evaluations (IEE)

- When parents disagree with the district's assessment results
- Funded by the district
- Only one IEE for assessments with which the parent disagrees
- District must respond to parents' request for an IEE
- District needs to provide parents with information about IEE providers



# Independent Educational Evaluations (IEE) Continued

- If the district disagrees with the IEE request, it can request a due process hearing to prove that its assessment was appropriate
- The IEP team must consider IEE results
- If the district observed child in classroom during its assessment, the IEE provider can also observe the child in classroom
- If district proposes new placement during the IEE, the IEE assessor must be allowed to visit proposed placement

# Parent Participation in Educational Decision Meetings

1. Meetings to make decisions about their child's special education
2. IEP meetings
  - a. IEP meetings must be held at least once a year
  - b. IEP meetings can be scheduled more frequently by either district or parents
  - c. If parent requests an IEP meeting, one should be scheduled within 30 calendar days from the date that the district received the written request
  - d. Parents should receive an IEP meeting notice early enough so they have the opportunity to attend
  - e. IEP meetings should be scheduled at a mutually convenient time for both district and parents

# Audio recording the IEP Meeting

- School districts and parents can audio record the IEP meeting
- Parents must provide the district with a 24 hour written notice of their intent to audio record the meeting
- If the parent doesn't consent to the district audio recording the meeting, it should not be recorded

# Discipline of Students with Disabilities

- Children with IEPs can be suspended for up to 10 days in a school year or expelled
- After the 10<sup>th</sup> day of suspension, special education services need to be provided
- Manifestation Determination Meeting must be scheduled within 10 days if child is suspended for more than 10 days
- If IEP team determines that the behavior was not a manifestation of the child's disability, the district can take disciplinary action including expulsion
- If parents disagree with the manifestation determination decision, they can file for an expedited due process hearing
- FAPE must be provided to student regardless of the disciplinary p

# Parental Placement in Private Schools

- If parent unilaterally enrolls child in private school after they have received district provided FAPE, the district is not required to provide special education services
- Districts must consult with parents and private schools to determine what special education services will be provided

# Compliance and Appeals

# Working with the School to Resolve a Concern

- Always try and resolve the concern at the school or district level before pursuing due process or filing a compliance complaint
- Speak or write to the person directly involved at the school
- Reach out to the director of special education if matter was not resolved
- Work with the Special Education Local Plan Area (SELPA) if matter was not resolved
- Request compliance complaint investigation, file for Alternative Dispute Resolution (ADR) or fair hearing only as a last resort

# Compliance Complaint

- Parents can contact California Department of Education (CDE) and request a compliance complaint investigation if they believe state or federal law is not being implemented
- One year statute of limitation
- Copy of parent's complaint must be sent to district at same time it is sent to CDE



# Mediation and Alternative Dispute Resolution (ADR)

- Less adversarial than a due process hearing
- Is voluntary and both parties must agree
- Can be made before or after a request for due process hearing is made
- Can request a mediation conference any time during impartial due process hearing

# Impartial Due Process Hearing

- Parents or districts can request an impartial hearing
- Two year statute of limitation
- If parents request due process, resolution meeting needs to be scheduled within 15 days unless waived by both parties
- Child remains in the current educational placement during due process unless parents and district agree on another placement
- District or parents can appeal hearing decision in civil court within 90 days

# Parent and District Collaboration

- Open communication is the key to parent and district collaboration!



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# Thank you for your participation!

- Please fill out the workshop evaluation form.



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people with disabilities and  
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