

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

**Notice of Procedural Safeguards**

**Revised October 2016, Updated by SFUSD April 2017**

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary on the last page of this notification.

**What is the Notice of Procedural Safeguards?**

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from three (3) years of age through age twenty-one (21) and students who have reached age eighteen (18), the age of majority, with an overview of your educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (in English, referred to as IDEA) and must be provided to you:

- When you ask for a copy
- The first time your child is referred for a special education assessment
- Each time you are given an assessment plan to evaluate your child
- Upon receipt of the first state or due process complaint in a school year, and
- When the decision is made to make a removal that constitutes a change of placement

(20 *USC* 1415[d]; 34 *CFR* 300.504; *EC* 56301[d] [2], *EC* 56321, and 56341.1[g] [1])

**What is the Individuals with Disabilities Education Act (IDEA)?**

IDEA is a federal law that requires school districts to provide a "free appropriate public education" (in English, referred to as 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 (in English, known as 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 opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child's FAPE. (20 *USC* 1414[d] [1]B-[d][1][D]; 34 *CFR* 300.321; *EC* 56341[b], 56343[c])

The parent or guardian, or the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 USC 1401[3], 1412[a][3]; 34 CFR 300.111; EC 56301, 56341.1[g][1], and 56506)

### **Where can I get more help?**

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) may answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication.

You may also want to contact one of the California parent organizations (Family Empowerment Centers and Parent Training Institutes), which were developed to increase collaboration between parents and educators to improve the educational system. Contact information for these organizations is found on the CDE special education California Parent Organizations Web page at <http://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.

### **What if my child is 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 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 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 <http://www.cde.ca.gov/sp/ss/> or ask for more information from the members of your child's IEP team.

## **Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records**

### **Prior Written Notice**

#### **When is a notice needed?**

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 free appropriate public education. (20 *USC* 1415[b][3] and (4), 1415[c][1], 1414[b][1]; 34 *CFR* 300.503; *EC* 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 fifteen (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 *CFR* 300.304; *EC* 56321)

#### **What will the notice tell me?**

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 *USC* 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 *CFR* 300.503)

### **Parental Consent**

#### **When is my approval required for assessment?**

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.

#### **When is my approval required for services?**

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

## **What are the procedures when a parent does not provide consent?**

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).

## **When may I revoke 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:

1. 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
2. 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
3. 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
4. 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**

### **What if a parent cannot be identified or located?**

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 *USC* 1415[b][2] ; 34 *CFR* 300.519; *EC* 56050; *GC* 7579.5 and 7579.6)

## **Nondiscriminatory Assessment**

### **How is my child assessed for special education services?**

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 FAPE for your child. (20 *USC* 1414[b][1]–[3], 1412[a][6][B]; 34 *CFR* 300.304; *EC* 56001[j] and 56320)

## **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 and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe 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**

### **May I examine my child's educational records?**

You have a right to inspect and review all of your child's education 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 (5) **business** days after the request has been made orally or in writing. (*EC* 49060, 56043[n], 56501[b][3], and 56504)

## **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* 1415[b][6]; 34 *CFR* 300.507; *EC* 56501 and 56505[l])

### **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.

\*\* Contact: Ricki Jo Scott, Program Administrator for Alternative Dispute Resolution (ADR)

[scottr@sfusd.edu](mailto:scottr@sfusd.edu) or 415-420-9198

An explanation of ADR follows the Procedural Safeguards.

## 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. 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

### What are my 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*)

## **Filing a Written Due Process Complaint**

### **How do I request a due process hearing?**

You need to file a written request for a due process hearing. 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
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. 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]*)

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*)

### **What does a resolution session include?**

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*)

### **Does my child's placement change during the proceedings?**

The 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 of your child 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]*)



### **May the decision be appealed?**

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 *USC* 1415[i][2] and [3][A], 1415[l]; 34 *CFR* 300.516; *EC* 56505[h] and [k], *EC* 56043[w])

### **Who pays for my attorneys' fees?**

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 *USC* 1415[i][3][B]-[G]; 34 *CFR* 300.517; *EC* 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 controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably 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 unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 *USC* 1415[i][3][B]-[G]; 34 *CFR* 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten (10) days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 *USC* 1415[i][3][B]-[G]; 34 *CFR* 300.517)

### **To obtain more information or to file for mediation or a due process hearing, contact:**

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

## **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 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

#### **What occurs after a removal of more than ten (10) days?**

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.

#### **What happens if the IEP team determines that the misconduct is not caused by the disability?**

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

### **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 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)

### **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 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)

### **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 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)

## State Complaint Procedures

### When may I file a state compliance complaint?

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, CA 95814

For complaints involving issues **not** covered by federal or state special education laws or regulations, 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>.

### SFUSD Contacts:

Office of Family Voice: Ramon Martinez 415-241-6150, 415-793-3298  
[martinezr@sfusd.edu](mailto:martinezr@sfusd.edu)

Ombudsperson: Laura Savage 415-447-7802, 415-660-0051 [savagel@sfusd.edu](mailto:savagel@sfusd.edu)

Special Education Department: 3045 Santiago St., San Francisco, CA 94116

Phone: 415-759-2222 Fax: 415-750-8624

## **Glossary of Abbreviations Used in This Notification**

ADR	Alternative Dispute Resolution
<i>CFR:</i>	<i>Code of Federal Regulations</i>
<i>EC</i>	<i>California Education Code</i>
FAPE	Free Appropriate Public Education
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
OAH:	Office of Administrative Hearings
SELPA:	Special Education Local Plan Area
<i>USC:</i>	<i>United States Code</i>



Special Education Services  
3045 Santiago Street  
San Francisco, CA 94116  
415-759-2222 fax: 415-750-8624

## Notice to Parents/Guardians LEA and Billing for health services

Like many school districts in California, SFUSD, in cooperation with the California Department of Health Care Services, participates in a program that allows the District to be reimbursed with federal dollars for selected health services provided to students at school who are eligible for Medi-Cal. This program generates funds that support some staffing costs and some equipment needed to provide services. In signing and checking this box, you are indicating that we have your consent to seek reimbursement from the State for Medi-Cal benefits on behalf of your child if your child is eligible for this program or becomes eligible. There is no cost or penalty to you if you consent to this, nor is there a cost or penalty if you do not consent to it. It simply gives the school district the right to access to additional governmental supports.

## MEETING DATES AND TOPICS FOR 2017-2018

August 24, 2017:	Advocacy Opportunities Beyond SFUSD
September 28, 2017:	Transition for College Bound Students
October 26, 2017:	Teaching Students to Self-Advocate
November 16, 2017:	Safety Awareness and Bullying Prevention
January 25, 2018:	Math Interventions & Reading Support Program Update
February 22, 2018:	Writing a Strong IEP
March 22, 2018:	Demystifying “Executive Function”
April 26, 2018:	Advocates Worthy of Excellence (AWE) Awards
May 24, 2018:	Special Education Budget & Service Plan, and LCAP Updates
June 28, 2018:	Autism Awareness and Supports

## MEETING LOCATION

**Support for Families**  
**1663 Mission Street, #700**  
**San Francisco, CA 94103**  
**415-920-5040**

*Meetings are 6:30 to 8:00 PM*  
*(Coffee Chat with Special*  
*Education Administrators*  
*from 5:45-6:30)*

**Childcare and Interpretation**  
**available. Please call**  
**415-920-5040 one week in**

**What can the CAC do for you?**



- Meet other parents and professionals
- Get to know the district Special Education staff
- Become informed about the Special Education process
- Learn to advocate for your child's needs
- Express your opinion
- Assist in making decisions that impact SFUSD Special Education



kids with disabilities

### We need your help!

- Become a member
- Volunteer to be on a CAC committee
- Organize events that help our children
- Make San Francisco a friendlier place for

**For more information:**

**415-920-5040**

**[cacspedsf@gmail.com](mailto:cacspedsf@gmail.com)**

The State Education Code mandates that each Special Education Local Plan Area (SELPA) have a Community Advisory Committee (CAC). The CAC advises the District in the development and review of the Local Plan for Special Education, and advocates for effective special education services for children in San Francisco. It is composed of parents, students with special needs, professionals and interested community members.





THE BAR ASSOCIATION OF  
SAN FRANCISCO



### **The SFUSD and The Bar Association of San Francisco Partnership to Keep Moving Your Child's Learning Forward**

The Special Education Services Department of the San Francisco Unified School District has partnered with The Bar Association of San Francisco to offer a new way to resolve complaints with the school district regarding the learning needs of your child. Professional facilitators through the Bar Association's Alternative Dispute Resolution Program offer skilled mediation for the prevention and resolution of complaints between parents and school district personnel in a cooperative forum of problem-solving called the "Collaborative Conference". This process has been shown in other school districts to reduce the level of tension and conflict between parents and district personnel who must work together effectively to advance a child's learning at school.

#### **What is the Collaborative Conference?**

The 2-hour Collaborative Conference is a no-attorney zone for the confidential discussion of complaints needing resolution. A skilled, experienced facilitator certified in mediation practice and trained in the policies, procedures and law of special education, facilitates the informal meeting. The goal is to create a positive, peaceable approach to finding student-centered resolutions. There is no requirement that parents choose this alternative. The Collaborative Conference is voluntary, optional and completely confidential. Additionally, the content of what is discussed during a Collaborative Conference, including any information exchanged regarding any provided materials, is to remain confidential and shall not be repeated in a future forum. If at any time a family does not want to continue with the Collaborative Conference, they can end their participation and all other complaint resolution options continue to be available.

### **Who attends the Collaborative Conference?**

Parents, educational rights holders, non-legal support persons and school district personnel with the greatest understanding of the child's situation attend the Collaborative Conference. A trained facilitator assists with communication and discussion at the Conference and renders in writing any agreements reached.

### **Who are the Collaborative Conference Facilitators?**

The Bar Association of San Francisco's Panel of Special Education Facilitators (SEF Panel) are certified mediators with the Bar Association's Bay Area Mediation Program who have received 15 hours of specialized training in special education law and the culture of parental and school district relations. In addition, the facilitators who serve on the SEF Panel have received specific training in the kinds of complaints parents have brought in the special education context and the frustrations, tensions and culture that can bring about difficulties and complaint.

### **How Do I Request a Collaborative Conference?**

If you wish to request a Collaborative Conference, the ADR Program Administrator will assist you with scheduling a date and time for the conference. Once you have spoken with the Program Administrator about your dispute or complaint, she will inform you of the next steps. A Collaborative Conference invitation letter and release of information will be provided to you, along with a consent form and scheduling form. Please complete all requested information, sign the forms and return them to the Administrator as soon as you can for immediate scheduling of a Collaborative Conference. The Administrator will alert The Bar Association of San Francisco of the scheduling request and they will schedule a member of the SEF Panel to facilitate a Collaborative Conference between you and the school district as soon as possible. The ADR Program Administrator will alert you and the participating school personnel by phone and email of the scheduled date and time of your conference. If you have any questions, you may contact the ADR Program Administrator, Ricki Jo Scott, at 415-420-9198 or [scottr@sfusd.edu](mailto:scottr@sfusd.edu).

### **Scheduling of Collaborative Conferences, Location and Transportation**

Collaborative Conferences will be held at:

- Support for Families of Children with Disabilities at 1663 Mission Street, OR
- The Bar Association of San Francisco at 301 Battery Street, OR
- Leola M. Havard Early Education School at 1520 Oakdale Avenue.

Conferences are generally scheduled on Tuesdays and Thursdays, at two possible times: 10:00am-12:00pm and 1:00pm and 3:00pm. Evening appointments between 4:00pm – 8:00pm may also be arranged upon request.

Use of public transportation, allowing for sufficient time to arrive at the chosen location, is highly encouraged. Interpreters can also be arranged and every effort will be made to allow for childcare services, if necessary.

### **What happens after the Collaborative Conference?**

When the Collaborative Conference is complete, a final written agreement will be prepared by the facilitator and turned in to the ADR Program Administrator. Both you and the participating school personnel will receive a satisfaction survey to provide feedback and evaluation of the conference. You are highly encouraged to submit this survey so that the school district is aware of your experience. Surveys are completed at the end of the Collaborative Conference and collected by the ADR Program Administrator.

Please note that completing the survey is completely optional.

Thank you for your assistance.

Hello,

Thank you for your interest in our Alternative Dispute Resolution program at SFUSD. We share a common purpose to resolve this matter positively and in a way which fully addresses your concerns, as well as supports the rights of your child in receiving Special Education services.

You are invited to participate in a two-hour Collaborative Conference to attempt to resolve your dispute. In partnership with The Bar Association of San Francisco, neutral Facilitators who are trained and knowledgeable in special education will facilitate the meeting. Participation is voluntary and does not jeopardize any rights you have and may choose to exercise later through other processes. You may opt out of continuing with a Collaborative Conference (CC) at any time.

CCs offer a space that is often more comfortable, faster and more productive than other complaint filing forums. We aim to resolve disputes within 15 - 30 days. The conferences restore voices to parents who feel unheard by the school site, Special Education Services or other complaint procedures. During the 2016 - 2017 school year 15 CCs resulted in Agreements made between families and SFUSD. For this reason, I am hopeful this process will be helpful and will build trust among participants.

The CC is free! I do my best to schedule around your preferred dates and times, as well as all participants. Evening sessions 4:00 - 6:00 can also be arranged. If the Collaborative Conference does not produce an Agreement between you and SFUSD, you may choose to address your dispute/complaint through other available processes.

If you would like to request a CC, simply sign and return the attached forms to me via email, text or mail. Page 4 is optional. Please complete this form if you would like a Family Resource Specialist from Support for Families to provide support to you before, during and after the conference.

Thank you for considering ADR. I am committed to work with you to address your concerns in the best way possible.

If you have any questions, please contact me!

Sincerely,

A handwritten signature in black ink that reads "Rick Jo Scott". The signature is written in a cursive, flowing style.

Rick Jo Scott, ADR Program Administrator  
415-420-9198  
scottr@sfusd.edu



San Francisco Unified School District and The Bar Association of San Francisco  
**Consent Agreement for Participation in a Collaborative Conference**

Parent/Legal Guardian's Name/Holder of Educational Rights' Name(s):

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Student's Name: \_\_\_\_\_

Indicate relationship to student:  parent  legal guardian  Holder of Educational Rights

Your signature below provides your written consent to participate in a Collaborative Conference, which is a dispute resolution method available to SFUSD parents and educational rights holders to help resolve complaints. The Bar Association of San Francisco (BASF) is providing neutral facilitators for the Collaborative Conferences. This service is a different way to address your concerns and participation is yours to elect or reject. Please note that participation does not delay the process, nor jeopardize any rights you may choose to exercise later. Also, you may opt out of the Collaborative Conference at any time, including during the conference itself.

The Facilitator for the conference, whose charge is to help repair understandings between the school district and parents, with respect to services required for a child in special education, is certified in facilitation by The Bar Association of San Francisco's Bay Area Mediation Services Program and has received substantive training in the processes which govern the provision of special education services. You may contact the SFUSD ADR Program Administrator, Ricki Jo Scott, at 415-420-9198 or [scottr@sfusd.edu](mailto:scottr@sfusd.edu) if you wish to cancel your consent. The cancellation will go into effect immediately upon receipt.

I/we consent to participate in a Collaborative Conference.

Signature(s) of Parent/Legal Guardian's Name/Holder of Educational Rights

Date

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**Please contact the SFUSD ADR Administrator for any questions at 415-420-9198 or [scottr@sfusd.edu](mailto:scottr@sfusd.edu). Please return this form at your earliest convenience to the ADR Program Administrator at [scottr@sfusd.edu](mailto:scottr@sfusd.edu) or via mail to 3045 Santiago Street, San Francisco, CA 94116.**



## ADR REFERRAL FORM

**PLEASE PRINT CLEARLY**

**Please Refer to Support for Families**

Parent Name:	Address: 1663 Mission St. 700, SF, CA 94103	
Phone: (415) 920-5040	Email: referral@supportforfamilies.org	Fax: (415) 282-1226

**Person making referral:**

Parent Name:	Parent/Guardian Initials:	
Referring Agency (Did someone refer you here? School site, Support for Families, Ricki Jo, family friend?)		
Address:		
Phone:	Email:	Referral Date:

**Child/Family information:**

Child Name:	UCI #	Gender: M      F
Child DOB:	Child Ethnicity:	
Parent/Guardian Name:	Language Spoken at Home:	
Address:	Parent/Guardian Ethnicity:	
City:	Zip:	Relationship to Child:
Phone:	Email:	

Support for Families of Children with Disabilities

**I give permission to Support for Families and the agencies or individuals initialed above to share pertinent information regarding my child**

Medical     Psychological     Developmental     Social    Other \_\_\_\_\_

\_\_\_\_\_ The shared information will only be used to coordinate and plan resources and referrals for my child and confidentiality will be maintained.

\_\_\_\_\_ I may rescind my permission at any time by writing a note to the agencies/individuals. Expires \_\_\_\_\_

\_\_\_\_\_ A photocopy of this form is as valid as the original and I request a copy

**I agree to have a staff member of Support for Families contact me.**

Parent/Guardian Signature \_\_\_\_\_ Date: \_\_\_\_\_

Parent /Guardian Printed Name \_\_\_\_\_



**Authorization for Release of Confidential Information**

San Francisco Unified School District

Student's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_

Name: Parent/Legal Guardian/Educational Rights Holder  
\_\_\_\_\_

School/Dept: \_\_\_\_\_

Address: \_\_\_\_\_

SFUSD Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_ Telephone: \_\_\_\_\_

I authorize the exchange of information checked below between the San Francisco Unified School District and The Bar Association of San Francisco's Mediation Services Program for the limited purpose of resolving my dispute in a facilitated Collaborative Conference. The Facilitator for the Collaborative Conference, whose charge is to help repair understandings between the school district and parents with respect to services required for a child, is certified in facilitation by The Bar Association of San Francisco's Mediation Services Program and has received substantive training in the processes which govern the provision of Special Education services.

This authorization applies to the exchange of the following confidential information:

Check what applies:

- |   |                                       |
|---|---------------------------------------|
| <input type="checkbox"/> Educational Data/IEP | <input type="checkbox"/> Audiological |
| <input type="checkbox"/> Social/Developmental | <input type="checkbox"/> Medical      |
| <input type="checkbox"/> Psychological        | Other _____                           |
| <input type="checkbox"/> Vision               | _____                                 |
| <input type="checkbox"/> Speech/Language      | _____                                 |

Expiration: This authorization expires (date or event): \_\_\_\_\_

Restrictions: Providers who receive this information may not release it to anyone else unless another authorization form is signed.

Your Rights: You may refuse to sign this form. You may cancel it at any time by informing the San Francisco Unified School District in writing. If you cancel your permission to allow the release of information about you/your child, it will go into effect immediately (unless the information has already been released). You have a right to receive a photocopy of this Authorization.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Indicate relationship to student:  parent  legal guardian  holder of educational rights





Ricki Jo Scott

### ADR Program Administrator

- Returns all inquiries within 24 business hours
- Identifies interpretation needs and schedules if needed
- Explains ADR pilot program and answers questions
- Sends parent/ed rights holder ADR packet of materials
  - Brochure
  - Consent form
  - Authorization of release forms
  - Invite letter from BASF Facilitation Program
  - Scheduling form
- Follows up with inquirer three days later
- Sends signed consent, SFUSD file/CDE complaint and contact info to BASF ADR Manager
- Sends to SFCD their consent form
- Follows up with BASF and SFCD if appropriate
- Follows up with FYC for each request
- Tracks data/outcomes; administers surveys and compiles results
- Consultation with Ombudsperson



Laura Savage

### Ombudsperson

- Works with and refers families to:
  - SFUSD's family empowerment center (SFCD)
- Works with SFCD Family Resource Specialists (FRS) to navigate services in SFUSD
- Provide parent/ed rights holder referrals to ADR Admin
- Locates proper SFUSD staff to address concerns



### Support for Families of Children with Disabilities (SFCD)

- Receives from ADR Admin to provide to FRS:
  - SFUSD file/CDE complaint
  - Name, email and phone # of district rep
  - Name, email and phone # of BASF Facilitator
  - Scheduled time and place of conference
  - Sends name of FRS to ADR Admin



### Foster Youth Community (FYC)

- Receives notice from ADR Admin
- Verifies and provides ADR Program Admin contact info for: ed rights holder, Protective Services
- Notifies SF-HSA Education Liaison, Worker and Dependency Attorney
- Completes FYS ADR student information form to provide related service information



### Community Advisory Committee (CAC)

- Disseminate information to the Special Education Community through the CAC list serve and at the monthly CAC meetings
- Have available information of the ADR program at other community events in which the CAC participates
- Inform the public about the program through participation at the SFUSD school board meetings
- Promote the ADR program through the CAC website and on the Twitter account
- Field concerns and questions from parents/guardians and direct them to appropriate resources



### Parent Self-Referral

- Learns of ADR pilot program through:
  - word of mouth referral from other parent
  - SFUSD website
  - Brochure
  - ADR conference



Marilyn King

### The Bar Association of San Francisco (BASF) ADR Manager

- Receives from ADR Admin:
  - Signed consent for conference
  - SFUSD file/CDE complaint
  - Name, email and phone # of district rep
- Sends name, email and phone # of BASF Facilitator to ADR Admin
- Assists to schedule second collaborative conference if needed and informs ADR Admin
- Schedules with and sends documents to BASF Facilitator
- Assign and follow up with weekly coaching Facilitator
- Provides notification to FYC and others with knowledge of child



### The Bar Association of San Francisco (BASF) Facilitator

- Conducts pre-conference prep call to district rep and parent/ed rights holder
- Explains role of facilitator to each participant
- Sets parameters of the collaborative conference
- Asks questions to gain information
- Returns outcome of facilitation to SFUSD ADR Admin and BASF ADR Manager
- A second conference may be requested; participants should directly schedule next meeting and facilitator informs ADR Admin and BASF ADR Manager

#### Additional Parent Resources

Office of Family Voice  
Ramon Martinez, Christina Mok

Office of Equity  
Keasara (Kiki) Williams

Site Leader  
Case Manager  
Special Education Supervisor

## Alternative Dispute Resolution Timeline

Collaborative Conference is scheduled within 8 - 10 days of consent form signed (IEP within 30 days of Collaborative Conference agreement)

Referral for Collaborative Conference (CC) is made

Consent form is signed by parent

Program Administrator calls principal and Case Manager

Principal assigns school liaison to attend CC

Facilitator calls district participant(s)

Participants attend Collaborative Conference

Agreement is reached within 1 or 2 conferences

IEP is scheduled to make agreement official

Agreement is not reached within 1 or 2 conferences

Matter is referred back to Case Manager

Outreach is provided to family of additional options on the continuum of ADR

If a Collaborative Conference is not scheduled, parent is informed of additional resources and Program Admin remains available to Case Manager and parent as needed

# Alternative Dispute Resolution Timeline

Collaborative Conference is scheduled within 8 - 10 days of consent form signed (IEP within 30 days)

