

Examples include:

1. A playbill, showing your child's role in a drama production.
2. The annual yearbook.
3. Honor roll or other recognition lists.
4. Graduation programs.
5. Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

Release of Directory Information (Armed Services Recruiters)

In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents/guardians have advised the district that they do not want their child's information disclosed without their prior written consent.

If you do not want the district to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by the last day of school in September. You must submit your request to withhold directory information to the Office of Student Services using the appropriate district form. For further information, please call 559-675-4500, extension 235 or 236.

The district has designated the following information as directory information:

1. Name
2. Address*
3. Telephone Number*
4. Electronic Mail Address*
5. Photograph
6. Date and Place of Birth
7. Major Field of Study
8. Participation in officially recognized activities and sports
9. Weight and height of athletic team members
10. Dates of attendance
11. Degrees and awards received
12. Most recent previous school attended

*The district will not release the student's address, telephone or electronic mail address to media or non-educational institutions, businesses or agencies, excepting the armed forces of the United States without the express permission of the parent.

Transfer of Pupil Records

When a student transfers to another school district or to a private school, this District shall forward a copy of his/her mandatory permanent records as requested by the other district or private school. The original or a copy shall be retained permanently by this District. (C.C.R., Title 5, Section 438)

Mandatory interim records shall be sent upon request to other California Public School Districts. Mandatory interim records may also be sent to out-of-state or private schools requesting them. (Title 5, Section 438)

Permitted records may be sent to any other Public School District or Private School. (Title 5, Section 438)

All student records shall be updated before they are transferred. (Title 5, Section 438)

If the student transfers into the District from another school district or a private school, this District shall inform the parent of his/her, right to receive a copy of the permanent record received from the former school. The parent also shall be informed of his/her right to have a hearing in which to challenge the contents of that record. (Title 5, Section 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent. (Title 5 Section 438)

If the District is withholding grades, diploma or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

Interpretation of Records

Qualified certificated personnel are available, when requested to interpret pupil records.

Pupil Rights Protection U.S. - Department of Education Programs

The following applies only to programs directly funded by the U.S. Department of Education:

The Protection of Pupil Rights Amendment (PPRA) is a federal law that affords certain rights to parents of minor students with regard to surveys that ask questions of a personal nature. Briefly, the law requires that schools obtain written consent from parents before minor students are required to participate in any U.S. Department of Education funded survey, analysis, or evaluation that reveals information concerning the following areas:

1. Political affiliations;
2. Mental and psychological problems potentially embarrassing to the student and his/her family;
3. Sex behavior and attitudes;
4. Illegal, anti-social, self-incriminating and demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

A major amendment to PPRA gives parents more rights with regard to the surveying of minor students, the collection of information from students for marketing purposes, and certain non-emergency medical examinations. In addition, an eight category of information (*) was added to the law.

Parents or students, who believe their rights under PPRA may have been violated, may file a complaint with ED by writing the Family Policy Compliance Office. Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of PPRA occurred.

For additional information or technical assistance, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at (800) 877-8339 or you may contact us at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue,
SW Washington, D.C. 20202-4605

SPECIAL SERVICES DEPARTMENT

Child Find - Policies and Procedures

The Madera-Mariposa Special Education Local Plan Agency (SELPA), which is comprised of twelve districts and county offices, provides services for students with mild to moderate and moderate to severe disabilities from birth to 21 years of age. Madera Unified School District (MUSD), Special Services department provides special education services for eligible students whose needs require more support than can be provided in the general education classroom alone.

The infant-toddler program, Early Start, is operated by the Madera County Superintendent of Schools (MCSOS) and is most often a home-based program. This program serves children from birth to three years of age who have intensive needs. Eligible children are those with challenges including developmental delays, speech and language disabilities, visual or hearing impairments, genetic disorders, intellectual disabilities, emotional

disturbance, physical or orthopedic handicaps, premature birth, and other health impairments.

MUSD operates programs for children ages three to 21. Special Education services are provided in a variety of setting at multiple sites throughout the district. Educating students with disabilities in least restrictive environment is always the primary goal.

Special Education services range from general education classrooms with special education personnel support and educational accommodations (RSP) to full day in a special day class (SDC).

The Resource Specialist Program is operated at every school site. An individual education program is designed to meet the student's specific needs with input from the general education teacher, special education teacher, parent, and site administrator any other professional who has knowledge and can give input to the student's educational program. Students in the Resource Specialists program, receive their education, for the majority of the day, in the general education classroom and are pulled-out into the resource room for a skill based remediation.

Special day classes offer educational services for students whose needs cannot be met in the general education classroom even with accommodations and/or modifications. Students attend special day classes for the majority of the day. These students may have significant learning disabilities, emotional challenges, or are intellectually disabled.

The range of special education services available for MUSD students are the general education classes, designed from the least restrictive to the most restrictive environment such as a special day class. The program's goal is to meet the needs of the students with learning challenges and provide opportunities for educational, social and recreational interaction with their age-appropriate peers to the maximum extent.

Anyone who is aware of a child who may be in need of Special Education support should contact the Department of Special Services, at 675-4500 ext. 266 to complete a referral.

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

Note: The term school district is used throughout this document to describe any public education agency responsible for providing a 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 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 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.
- 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 a child's education?

You must be given opportunities to participate in any decision-making meeting regarding their child's special education program. Parents have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of a child and other matters relating to the 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 an 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 audio tape 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 ~~to~~ that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in the school district or the 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 m 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 Schools 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 evaluation 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 the 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 an approval required for assessment?

Parents have the right to refer the child for special education services. The parent must give informed, written consent before the 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 a child with special education and the 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 a child but do not consent to all of the components of the IEP, those components of the program to which was consented to 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 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 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 the most 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 a 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 the request for an independent educational assessment and provide 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 has 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 a 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 the child's IEP or before a due process hearing. The school district must provide 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?

A parent has the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of their 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 the right to a due process hearing.

What is a pre-hearing mediation conference?

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a non-adversarial 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 non-attorney 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?

A parent has 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 applying for an initial admission of a 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 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 a parent of a child with a disability if they 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 the parent 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 is rejected 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
Phone: (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 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 met the FAPE requirement 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 the 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 the parent did not inform the school district that you were rejecting the special education placement proposed by the school district, including stating concerns and the intent to enroll your child in a private school at public expense.

Notice to the school district must be given either:

- At the most recent IEP team meeting the parent attended before removing child from the public school, or
- In writing to the school district at least ten (10) business days (including holidays) before removing the 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 the parent 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 the child.
- Illiteracy and inability to write in English prevented the you from providing notice, or
- Providing notice would likely have resulted in serious emotional harm to the 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. The 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 as 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 the 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>.

Local Education Agency Contact Information

Please contact the Special Education Administrator at 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.
- Madera County Superintendent of Schools (559) 673-6051

If you need additional assistance beyond your Local Education Agency/County Office of Education or wish general information, regarding Special Education program and services within the Madera- Mariposa Special Education Local Plan area (SELPA) you may contact the SELPA at (559) 662-4665.

Glossary of Abbreviations Used in This Notification

ADR: Alternative Dispute Resolution
CFR: Code of Federal Regulations
EC: California Education Code
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
USC: United States Code
SELPA: Special Education Local Plan Area
USC: United States Code

Notice of Parent and Student Rights Under Section 504 the Rehabilitation Act of 1973

The Rehabilitation Act of 1973, which includes "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who has a physical or mental impairment that substantially limits a major life activity such as learning.

Dual Eligibility: Some students may be eligible for educational services under both Section 504 and the Individuals with Disabilities.

The enabling regulations for Section 504, as set out in 34 CFR, Part 104, provide parents and/or students with the following rights:

1. Parents' Rights. You have the right to be informed by the District of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) (34 CFR 104.32)
2. FAPE. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. (34 CFR 104.33)
3. Free Education. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved of an otherwise valid obligation to provide or pay for services provided to a disabled student. (34 CFR 104.34)
4. LRE. Your child has the right to placement in the least restrictive environment. (34 CFR 104.34)
5. Comparable Facilities. Your child has a right to facilities, services, and activities that are comparable to those provided to non-disabled students. (34 CFR 104.34)
6. Evaluations. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. (34 CFR 104.35)
7. Testing. Testing and other evaluation procedures must conform to the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. (34 CFR 104.35)
8. Section 504 Student Success Team. Placement decisions must be made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. (34 CFR 104.35)
9. Re-evaluations. If eligible under Section 504, your child has a right to periodic re-evaluations prior to any significant change in placement. (34 CFR 104.35)
10. Prior Notice. You have the right to notice prior to any action by the District in regard to the identification, evaluation, or placement of your child. (34 CFR 104.36)
11. Records. You have the right to examine relevant records of your student. (34 CFR 104.36)
12. Due Process Procedures. You have the right to an impartial hearing with respect to the District's action regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. (34 CFR 104.36)

If you disagree with the identification, evaluation, or placement of a student with disabilities under Section 504, you may initiate the following procedures. We encourage parents to use Levels One and Two in an effort to resolve issues informally, but you may go directly to Level Three.

LEVEL ONE: In writing, request a meeting with your child's Section 504 Student Study Team in an attempt to resolve the disagreement. This meeting shall be held within a reasonable period of time after receiving the parents' request.

LEVEL TWO: If disagreement continues, request in writing a meeting with the District Section 504 Coordinator, Madera Unified School District 1902 Howard Rd, Madera CA 93637, (559) 675-4500 ext. 266.

LEVEL THREE: If disagreement continues, or upon initial request, a parent/guardian may request in writing an impartial hearing. The steps involved in initiating and implementing a Section 504 impartial hearing follow:

- (a) A request in writing for a Section 504 impartial hearing must be filed in the office of the District Section 504 Coordinator. The District must generally receive this request within thirty (30) calendar days from the parents' or guardians' receipt of written notice of the decision leading to the request for the impartial hearing. This time frame may be extended for good cause or by

mutual agreement. This time frame will also be renewed upon the parents' request for participation in a scheduled Section 504 Student Study Team meeting.

- (b) The written request shall contain the following:
 - (i) The specific nature of the decisions(s) made by the District with which the person disagrees.
 - (ii) The specific relief the person seeks.
 - (iii) Any other information the person believes will assist in understanding the request.
- (c) Within a reasonable period of time following receipt of a written request for hearing, the District Section 504 Coordinator will select an impartial hearing officer.
- (d) A hearing officer selected by the District must satisfy the following requirements:
 - (i) Be qualified to review District decisions relating to Section 504.
 - (ii) Not be an employee, or, or under contract with, the District or the SELPA of which the District is a member in any capacity other than that of a hearing officer.
 - (iii) Not have any professional or personal involvement that would affect his or her impartiality or objectivity in the matter.
- (e) Within sixty (60) days after receipt of parent's request, the hearing shall be conducted, and a written decision mailed to all parties.
- (f) Any party to the hearing shall be afforded the following rights:
 - (i) The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who are qualified disabled individuals within the meaning of Section 504.
 - (ii) The right to present evidence, written and oral.
 - (iii) The right to written findings of fact, conclusions of law, and a decision prepared by the hearing officer.
 - (iv) The right to a written or electronic verbatim record of the hearing prepared at the expense of the individual requesting such record.
 - (v) The right to prohibit the introduction of evidence at the hearing that has not been disclosed to the other party or parties at least five (5) calendar days prior to the hearing, except for good cause shown.
 - (vi) Receipt of notice from the other party or parties at least ten (10) calendar days prior to the hearing that they will use the services of an attorney, except for good cause shown.
- (g) The hearing officer shall render a decision pursuant to the legal standard set forth in 34 CFR, Part 104.
- (h) Either party may seek review of the hearing officer's decision by timely filing with a court of competent jurisdiction.
- (i) Reimbursement of attorneys' fees, expert witnesses' fees, and other costs is available only as authorized by law.

13. District Level Complaints. On Section 504 matters other than your child's identification, evaluation, and placement, you may file a complaint with the District's Section 504 Coordinator who will investigate the allegations in an effort to reach a prompt and equitable resolution.

14. OCR Complaints. You have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office that covers California is:

Office for Civil Rights, U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, California 94105
(415) 486-5555

15. Suspension/Expulsion Discipline Issues.

- (a) No Section 504 student may be expelled for misconduct, which is caused by reason of his/her disability, or was a result of inappropriate accommodations and/or modifications.
- (b) When suspension results in a period of more than 10 consecutive school days, or a series of suspensions that creates a pattern each of which is 10 or fewer days in duration, totaling more than 10 schooldays, the Section 504 Student Success Team will convenes to determine whether the misconduct was caused by the student's

disability.

- (c) When expulsion is being considered, the Section 504 Student Success Team will convene. The parent/guardian will be given at least 48 hours' notice of the meeting. The Section 504 Student Success Team will determine whether the misconduct by the student's disability.
- (d) If the parent/guardian disagrees with the Team's determination, he/she may appeal that determination under the procedures outlined in Step 12, above.
- (e) A parent or guardian's disagreement with the Team's determination or their request for an impartial hearing shall not preclude the District from proceeding with an expulsion or suspension of more than 10 days, if the Team has determined that the student's misconduct was not caused by the student's disability or by inappropriate accommodations and/or modifications.

REMINDER: The procedural safeguards outlined in this Notice apply only to students or their parents/guardians making claims under Section 504. Students or their parents/guardians making claims under the IDEA must follow IDEA procedures.

NUTRITION

Breakfast, Lunch & Milk Information (Second Meal Prices)

The Madera Unified School District will offer breakfast and lunch at no charge to all students across the district regardless of income levels. This change reduces burdens for both families, school administrators, and helps ensure that all students receive nutritious meals. Students may buy a second meal. (See prices below)

Students:

Breakfast:	\$2.50 (Milk included)
Lunch:	\$3.50 (Milk included)
Extra Milk:	\$.50

Adults & Non-students:

Breakfast:	\$3.00 (Milk not included)
Lunch:	\$4.50 (Milk not included)
Milk:	\$.50

Community Eligibility Provision (CEP)

The change is the result of the district implementing the Community Eligibility Provision (CEP), a new option available to schools under the National School Lunch Program and School Breakfast Program. CEP allows schools with a high number of low-income students to expand access to free school meals while reducing paperwork and streamlining meal service operation.

The CEP will better serve the children of Madera Unified School District, and help ensure that students are not hungry at school while they are trying to learn. If you have any questions about CEP please do not hesitate to call the Child Nutrition Office at (559) 675-4546.

SAFETY

Bicycles, Scooters and Skateboards

To help protect our students, rules for use of bicycles, scooters and skateboards to and from school must be followed. It is recommended that only students in grades 3 and above ride bicycles to school. Bicycle helmets are required. None are to be ridden on school grounds.

Disaster Preparedness

Emergencies happen unexpectedly at any time during the day or night. Confusion that may exist at that time can be reduced by carefully planning what must be done before, during, and after the emergency.