Special Education
Students’ and Parents’ Rights and Responsibilities

Public Counsel Law Center

Children’s Rights Project
Intake (213) 385-2977 Ext. 500

2013
# TABLE OF CONTENTS

1. What are special education and related services? ........................................ 1
2. What do I do if I think my child needs special education services? ............. 2
3. Step 1: Identify whether my child needs special education services .......... 3
4. Step 2: Make a written request for a special education evaluation .......... 5
5. Step 3: Prepare for the IEP meeting ..................................................... 9
6. Step 4: Attend the IEP meeting and help develop the plan .................... 11
   a. Who is on the IEP team? ......................................................... 11
   b. What will be discussed at the IEP meeting? .................................. 11
   c. How do I finalize the IEP plan? ................................................. 13
7. Step 5: What happens after the IEP meeting? ...................................... 14
   a. What do I do if the school is not implementing the IEP plan? ......... 14
   b. What do I do if the IEP plan is not helping my child? .................... 14
   c. How do I request a follow-up IEP meeting? .................................. 14
   d. What is a due process hearing? ................................................... 17

# APPENDICES

A. Important IEP Timelines ................................................................. 19
B. Request for Records ........................................................................ 20
C. Request for Initial Special Education Assessment and IEP .................... 21
D. Reminder Request for Assessments Prior to IEP ................................ 22
E. Notice to Tape Record IEP Meeting ............................................... 23
F. Request for 30-Day IEP ................................................................... 24
G. Reminder for Triennial IEP Meeting .............................................. 25
H. Compliance Complaint form ........................................................... 26
I. Discrimination Complaint Form ..................................................... 29
J. Resource and Special Education Referrals ....................................... 34
If your child qualifies for special education as a student with a disability, the law says that her/his education program, including what she/he learns and how she/he learns it, must be specially designed to meet her/his unique needs. This specialized education program must be provided to you for free as part of your child’s public education.

“Related services” are services that allow your child to benefit from her/his education plan in school. Examples of related services might include transportation to and from school, counseling, nursing, assistive technology, speech and language therapy, mental health services, reading assistance, and physical/occupational therapy.

The right to special education services and instruction is created by the Individuals with Disabilities in Education Improvement Act (IDEA) and California Law. Under these laws, school districts must provide each student with a qualifying disability with a Free Appropriate Public Education (FAPE).
WHAT SHOULD YOU DO IF YOU THINK YOUR CHILD NEEDS SPECIAL EDUCATION SERVICES?

If you believe that your child might qualify for special education, this brochure will tell you how you can get a special education evaluation for your child and advocate at your local school for an educational program, called an Individualized Education Program (IEP), to meet your child’s unique needs. Follow the five steps listed here and use the sample forms provided to guide you through the process.

1. Identify whether your child might be in need of special education services

2. Request in writing that an evaluation for special education be conducted

3. Prepare for the IEP Team meeting

4. Attend the IEP meeting and help create the IEP plan

5. Follow-up after the IEP meeting

5 Steps to help identify if your child has a disability and obtain special education services:
STEP 1: Identify whether your child might be in need of special education services

If you, your child’s teacher, your child’s doctor or anybody else close to your child notices one or more of the following problems, and you believe they are interfering with your child’s ability to learn, your child may need special education services.

► Health and development problems, poor vision or hearing, or difficulties with speech or language.

► A lack of academic performance that is difficult to explain, such as difficulty with or consistently low grades in reading, spelling, writing, or math.

► Difficulty with or failure to master basic life skills appropriate for the child’s age, such as toilet training, dressing, bathing, and eating properly.

► Coordination, mobility or manual dexterity problems, such as the inability to control movements in the same way as children of the same age.

► Social or emotional problems, such as inability or lack of desire to socialize with other children of the same age or angry outbursts.
To help you understand whether your child has special needs, it is important to review your child’s school records. You have a right to all of your child’s records, so ask the school for any records that you don’t already have, including academic records, disciplinary records, report cards and attendance records. Under California law, you must be provided with these records within 5 business days of your request. It is always best to put your request in writing. See the sample “Request for Records” at Appendix B.

Next, review these records to see if your child has difficulties at school, such as low grades, behavior problems, or unexplained lack of progress. You may also want to meet with your child’s teachers to discuss any grades or comments you do not understand or that do not make sense to you.

**TIP:** With any written communication with your child’s school, make certain that you KEEP a COPY of the letter that you send and keep proof of the date that you provided the request to the school district. For example, write down the name and title of the person at the school to whom you gave the letter and the day you gave it to the school.
STEP 2:
Request in writing that an evaluation for special education be conducted

► If, after completing Step 1, you believe that your child has a developmental, mental, emotional, physical, or learning disability that might make it difficult for him or her to be successful at school, under the special education laws you can request a formal assessment to determine if your child qualifies for special education and related services.10 (Details about this assessment are provided on the next page.)

► The request for an assessment should be made in writing.11 We recommend that you address it to the school principal. We have provided a sample “Request for Initial Special Education Assessment and IEP” form for you to use. See Appendix C.

► The school must either provide an “assessment plan” for you to sign within 15 days of your request or provide written notice of their refusal to assess. By signing the assessment plan, you consent to an evaluation of your child in all areas of suspected disability.12

► The school must perform an evaluation and conduct a formal Individualized Education Program (“IEP”) meeting within 60 days of receiving your signed assessment plan.13 Mark your calendar to follow-up with the school before the 60-day period is over.

► Make certain that you keep a copy of all requests and documents for your records!
If you make an oral request for an assessment to a teacher or administrator, the school must help you put it in writing. Do not leave until they have put it in.

You do not need permission to request a special education evaluation! Don’t let anyone tell you that you need a doctor’s note or a recommendation from the teacher. It is your right as a parent to request this assessment! Be aware that schools may try to avoid performing special education assessments by telling you that there are wait lists or that they must first have an “SST” (Student Study Team) meeting. If they tell you this or otherwise refuse to give you an assessment plan, tell them that you know you have a right to an assessment plan within 15 days and an IEP within 60 days of signing that plan. If you still have problems call Public Counsel at (213) 385-2977, ext. 500.
Eligibility

Special education is offered to: All school-aged children who fall within one or more specific categories of qualifying conditions.16

- Autism
- Specific learning disability
- Speech or language impairment
- Emotional disturbance
- Traumatic brain injury
- Visual impairment, including blindness
- Hearing impairment, including deafness
- Mental retardation
- Multiple disabilities
- Other health impairments
- Orthopedic impairments
- Deaf-blindness

Children who meet the definition of a qualified “handicapped” person.

A qualified “handicapped” person is defined as someone who has or had a physical or mental impairment that substantially limits a major life activity or is regarded as handicapped by others.

Major life activities include: walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.

Disagreements

- Specific “due process” procedures delineated
- Hearing officer appointed by CA Office of Administrative Hearings
- “Stay put” provision ensures that your child continues to receive the services she/he had prior to filing for a hearing (this includes continued placement in his/her current educational setting, program, etc.)17
- Parents must receive prior written notice of any proposed change in placement18

- No specific procedures
- Hearing officer appointed by school district
- No “stay put” provision
- No requirement of notice prior to a change of placement

SERVICES

Section 504 Services v. Special Education Services

If you believe that your child may have special needs and you contact the school district for further assessment, the school will try to figure out whether your child requires Section 504 services or Special Education services.

There are some important differences between the types of services offered under each category. Some of these important differences are highlighted in the chart below. In general, we recommend that you advocate for Special Education services, where appropriate and possible.

<table>
<thead>
<tr>
<th>Eligibility</th>
<th>Special Education (under IDEA)</th>
<th>Section 504</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special education is offered to: All school-aged children who fall within one or more specific categories of qualifying conditions.16</td>
<td>A qualified “handicapped” person is defined as someone who has or had a physical or mental impairment that substantially limits a major life activity or is regarded as handicapped by others.</td>
<td>Major life activities include: walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.</td>
</tr>
<tr>
<td>- Autism</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Specific learning disability</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Speech or language impairment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Emotional disturbance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Traumatic brain injury</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Visual impairment, including blindness</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Hearing impairment, including deafness</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Mental retardation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Multiple disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Other health impairments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Orthopedic impairments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Deaf-blindness</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Disagreements</th>
<th>Special Education (under IDEA)</th>
<th>Section 504</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Specific “due process” procedures delineated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Hearing officer appointed by CA Office of Administrative Hearings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- “Stay put” provision ensures that your child continues to receive the services she/he had prior to filing for a hearing (this includes continued placement in his/her current educational setting, program, etc.)17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Parents must receive prior written notice of any proposed change in placement18</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- No specific procedures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Hearing officer appointed by school district</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- No “stay put” provision</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- No requirement of notice prior to a change of placement</td>
</tr>
</tbody>
</table>
### Assessments

Tests and assesses all areas related to the child’s suspected disability, including, if appropriate: 19
- health,
- vision and hearing,
- processing
- social and emotional status,
- general intelligence,
- academic performance,
- communication status, and
- motor abilities.

Draws on information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behaviors. Information must be documented and carefully considered.

### Reassessments

Reassessments must be performed:
- At least once every 3 years, or more frequently if conditions warrant, 20 OR
- Upon the request of the child’s parent or teacher 21

Reassessment is required prior to any significant change of placement.

### FAPE

In order to comply with its obligation to offer “free and appropriate public education,” or FAPE to all students in the district, the school must: 22

- Provide each special needs child with an individualized education program, or IEP,
- Provide “appropriate” education, meaning a program designed to provide “educational benefit” for a person with a disability, AND
- Provide a placement that may be any combination of special education and general education classrooms.

In order to comply with its obligation to offer “free and appropriate public education,” or FAPE to all students in the district, the school must:

- Draft and implement a 504 Plan, a written plan detailing the reasonable accommodations that the school will make in order to address your child’s impairments,
- Provide “appropriate” education, meaning an education comparable to the education provided to those students who are not disabled,
- Provide placement, usually in a general education classroom.

For more information about the rights and protections provided under Section 504, please visit:
STEP 3: Prepare for the IEP Team meeting

The Individualized Education Program (“IEP”) Team meeting is the meeting where the results of the assessments/evaluations of your child will be discussed.23 If your child is eligible for special education, you will work with a team of people to create a plan that helps meet your child’s unique needs at the school. Think of the IEP Team as the team of people who will help you create a plan to help your child have greater success in school!

As you prepare for the IEP meeting, keep in mind that your goal at the meeting is to advocate for your child. This means that your job at the meeting is to speak in support of your child’s best interest. You are a necessary part of the meeting; do not be afraid to participate! You should bring the following to an IEP meeting:

► Your child’s academic records, including report cards and attendance records. Remember to review the records before the meeting so you know about your child’s academic history.

► Any other information that you would like the IEP team to know about. You have a right to present any information at the meeting that you feel might help your child’s learning.24 For example if you have a note from your pediatrician indicating developmental delays, or you want to bring your child’s mental health counselor.

Prior to the meeting, you should be given a copy of all of the assessments conducted for the IEP meeting so you can review them yourself.25 Sometimes the schools forget to give these to you. If you have not received copies within a week of your IEP, submit a “Reminder Request for Assessments Prior to IEP” (for sample form, see Appendix D) to your child’s school immediately.
When preparing for the IEP, consider these options:

► You have the right to tape-record the meeting. You must let the school know 24 hours in advance if you plan on recording the meeting. You need to bring your own tape recorder. See the sample “Notice to Tape Record IEP Meeting” at Appendix E.

► You have the right to request that the school provide an interpreter to assist you during the meeting. You should let the school know that you will need the assistance of an interpreter at least one week prior to the IEP. The interpreter should provide translation that allows you to play a meaningful role in the IEP meeting. You may not be charged any money for the interpreter; it should be free of cost.

• If you believe the interpreter is not providing word-for-word interpretation or you have other concerns about the interpretation provided, you can ask the school for a complaint form or call the special education office to note your concern.
The IEP meeting is held at the school with a team of people, called the “IEP Team,” who should either know your child, or be qualified to either provide services to meet the needs of your child or interpret results of your child’s assessment. The IEP Plan is the written document created at the IEP meeting. It is the educational program that is specially designed to meet your child’s unique needs. It works like a contract and must be implemented after it is agreed upon.

More about the IEP Team:

► **Who must sit on the IEP team?**
  - Parent(s)/Guardian/Appointed Educational Representative or Surrogate Parent(s)
  - Regular education teacher of the student
  - Special education teacher of the student
  - School District Representative who has the authority to allocate money for services
  - Person who can explain your child’s assessments

► **Who may sit on the IEP team?**
  - Other people who are experts or know about your child
  - You may bring an advocate or lawyer if you wish
  - You can also invite people who have knowledge or special expertise regarding the child, such as your child’s therapist, tutor, or other people who work with your child. Parent determines who has knowledge or expertise.
  - Your child (if appropriate)

► **What should the IEP team address?**
  - Your child’s unique needs, including her strengths and weaknesses should be discussed.
Your child’s current levels of academic performance, for example, she is reading at the 3rd grade level and receiving a B-. 32

Annual goals (and objectives if taking alternate curriculum) for your child.33

- The goals created must be objective and measurable.
- The goals should be set to address all areas that your child is struggling with.

Any accommodations or modifications needed to assist your child, such as a note taker, a seat near the front of the classroom, extended time on assignments, and/or shortened assignments.34

Special education and related services available to your child.35

The dates, frequency, and locations of services that your child will receive, such as 2 hours of reading assistance in the learning center once per week or 60 minutes of one-on-one counseling.36

A statement of the “Least Restrictive Environment.”37 The least restrictive environment is the education environment that will integrate your child, to the maximum extent appropriate, with non disabled children, while still allowing him/her to appropriately progress in his/her learning and development.

The description and type of class or school-site placement needed to implement the IEP.38

Whether your child will be assessed on state tests and whether your child will receive accommodations for assessments.39

Whether assistive technology—such as visual aids, manual devices, and computer technology—will be used to assist your child.40

What else might be discussed at the IEP meeting?

- If your child is having behavior problems, you might also create a behavior support plan for your child.41

- If your child is 16 years old or is in need of a plan for transitioning him or her from school to independent living, postsecondary education, supported employment or anything else that might be needed after high school, you will also create an Individualized Transition Plan (“ITP”).42
  - The Transition Plan should have goals and might include services such as providing your child with a job counselor, helping your child create a resume, or linking your child up with someone who can provide vocational training.
At the end of the IEP Meeting, the school-site must provide you with a written copy of the plan—the IEP—you have created during the IEP meeting for you to review. If it is in English and you speak an other language, the translator at the meeting must read it to you in your own language so that you can decide whether you agree to the plan created for your child.

**NOTE:** If you are concerned about the translation provided, you have a right to ask for a written translation before you sign the IEP.

Read and review the IEP Plan. You must approve the plan before the school can start your child’s special education services. However, you do not need to sign the plan at the IEP – you may prefer to take it home to read at your leisure prior to signing.

Remember that the IEP plan you sign is the contract between you and the school. You have 3 options in signing the plan:

1. Agree with the whole IEP Plan,
2. Disagree with the whole IEP Plan, or
3. Agree with parts of the IEP Plan and disagree with others.

**NOTE:** If you disagree with the entire or parts of the IEP Plan, you have a right to an administrative hearing before a judge who will make an independent decision about the parts you do not agree with. It may be helpful to seek the assistance of an education attorney; however, you can attend the hearing without an attorney and advocate on behalf of your child. The school should provide you with a form to request a hearing, which allows you to state why you disagree with the IEP plan, as well as information about where to send the form. (See Step 5 for more information.)
What to do if the school is not implementing the IEP

■ You have a right to file a compliance complaint with the California Department of Education (CDE) (for more details on compliance complaints, see next page). The CDE must carry out any necessary investigation and to resolve the complaint within 60 calendar days (business days, excluding major holidays) from receiving the complaint.\(^{48}\) See the sample “Compliance Complaint” at Appendix H.

■ If you believe that discrimination is involved, you can also file a complaint with the Office of Civil Rights. See the Discrimination Complaint form at Appendix I.

What to do if the school is implementing the IEP plan, but it is not helping your child

■ At any time, you have the right to ask for another IEP meeting and the school must hold the meeting within 30 days of your written request.\(^{49}\) A sample form for “30-day IEP” is provided at Appendix F.

■ If your child is not making progress under the IEP plan, you have the right to review the plan and make changes to it with the IEP team.\(^{50}\)

Following up: The Annual Automatic IEP Meeting\(^ {51}\)

■ The IEP is created and reviewed once a year.

■ The purpose of this annual meeting is to review the goals that were set for your child, check if the goals were met, and update the goals for the next year.

The Three-Year IEP Meeting\(^ {52}\)

■ Once every three years, the school is supposed to provide you with a comprehensive review of your child’s program and conduct new assessments, unless you agree in writing that those are not needed. See the sample “Reminder for Triennial IEP Meeting” at Appendix G.
WHAT TO DO IF YOUR CHILD’S IEP ISN’T BEING IMPLEMENTED: MAKING A COMPLIANCE COMPLAINT

► What is a compliance complaint?
■ A compliance complaint is a written complaint you can make when your child’s school, school district, or district-funded service provider fails to do something it is legally required to do, such as:
  • Conduct an annual IEP meeting;
  • Provide records within 5 business days;
  • Conduct an IEP within 30 days of a parent’s request;
  • Conduct assessments and/or an IEP within 60 days of a signed assessment plan; and
  • Implement services that are already written in a student’s existing IEP

► Where do I file a compliance complaint?
■ You file your compliance complaint with the California Department of Education (CDE) at:
  • California Department of Education
  Special Education Division
  Procedural Safeguards Referral Service
  1430 N Street, Suite 2401
  Sacramento, CA 95814

► What should my complaint include?54
■ Fully describe the situation that caused you to request a compliance investigation;
  • In particular, you should describe which service(s) were owed to your child but not provided, and/or which timelines were not met
■ Describe all the facts supporting your claim;
■ Include the dates of when you think the violation(s) occurred;
■ Propose a resolution for the problem;55
■ See Appendix H for a sample compliance complaint.

► When should I file my complaint?
■ You may file a complaint as soon as a violation has occurred.
If you do not file a complaint as soon as the violation occurs, you have, in general, one year from the date of the alleged violation to file a complaint.56

What happens after I make my complaint?

Within 60 days of receiving your complaint, the CDE should:

• Carry out an independent investigation;57
• Give you the opportunity to submit additional information;
• Review all relevant information and decide if the district is in violation of federal or state laws;59
• Provide you with a written statement containing the CDE’s decision and its reasons for making its decision.60

What happens if, after completing its investigation, the CDE finds the school district or service provider “out of compliance”?

• If the CDE finds an education agency to be out of compliance, it will order the agency to come back into compliance. In addition, the CDE may order the agency to submit a plan of correction—a document describing the steps the agency has taken and will take to assure that the problem does not occur again, either to this student or to others.
• If the noncompliance is not remedied, the CDE will take further action. Which may include a court proceeding for an order compelling compliance, or a proceeding to recover or stop state funding to the noncompliant local education agency.
• Additionally, the CDE can order compensatory services to make up for services lost during a period of noncompliance. The CDE has also indicated that it can order a local district to reimburse a parent for any out-of-pocket expenses that resulted from purchasing IEP services for a child during a period when a school district was supposed to provide these services but failed to do so.

What happens if the CDE determines that the school district or service provider is in compliance, but you disagree?

• If you are dissatisfied with the CDE’s investigation report, you may request reconsideration by the Superintendent of Public Instruction within 35 days of receipt of the CDE’s investigation report. The Superintendent may respond in writing within 15 days, either modifying the conclusions or corrective actions of the CDE’s report, or denying the request outright. The CDE’s report remains in effect and enforceable pending the Superintendent’s reconsideration.
If you disagree with the IEP plan and the district refuses to make changes to it, you have a right to an administrative hearing before a judge who will make an independent decision. At the hearing, both sides present evidence by calling witnesses and submitting reports and evaluations that support their position.

► **Timeline for the Due Process Hearing**

- You can request a due process hearing by filing a “due process complaint” with the Office of Administrative Hearings (OAH). You must give a copy of the complaint to the school district at the same time.
- The school district must respond to your complaint within 10 days of receiving it.
- The school district must meet with you within 15 days of receiving your complaint to discuss the complaint and provide an opportunity to resolve the complaint. This meeting is called a resolution session.
  - If the complaint is resolved at the meeting, the school district must provide you with a written settlement agreement that must be signed by you and a representative of the school district.
- You may participate in a mediation conference prior to the due process hearing to resolve the issues. A mediation conference is a meeting between you and school district representatives at which a mediator (usually a judge from OAH) attempts to facilitate an agreement that both you and the district believe meets your child’s special needs.
- If your complaint is not resolved during the resolution session or mediation conference, OAH must provide a due process hearing, which must be completed within 45 days of receiving the complaint.
• At least 5 business days before the due process hearing, both you and the school district must provide a copies of all documents and lists of all witnesses that each party intends to use at the hearing. This includes any evaluations completed as of that date and the recommendations based on those evaluations.68

► **Your Rights at the Due Process Hearing**69

■ You have the right to have an attorney accompany and advise you.
■ You have the right to present evidence and confront, cross-examine, and require the attendance of witnesses.
■ You have the right to a written or electronic verbatim record of the hearing.
■ You have the right to a written or electronic copy of the findings and decisions of the hearing.

► **After the Due Process Hearing**

■ OAH must mail you the decision of the hearing within 45 days of receiving your complaint.70
■ If you disagree with the decision made, you may bring a civil action no later than 90 days after the decision made at the due process hearing.71

► Your child is entitled to remain at her current school receiving the same services during the process unless you and the school district agree to a different arrangement.72 This right is called “stay put.”
**Identification**
The child seems to have educational difficulties.

**Referral for assessment**
Written by parent, teacher, or other service provider to school officials.

**Proposed assessment plan**
Returned by school officials within 15 days of the written referral for assessment.

**Parental Consent**
Parent must consent in writing.

**Assessment conducted**

**IEP team meeting**
Held in order to develop an effective IEP for the child.

**IEP established**
Within 60 days of the written request for assessment.

**Written parental consent**
For all or some of the IEP components.

**IEP implemented**
For all components consented to.

**IEP review**
Annually or upon request at any time. If requested, IEP must be held in 30 days.

**IEP NOT Implemented**
File Compliance Complaint to CA Department of Education (See Appendix F)

---

**No parental consent**
The assessment will not be conducted.

**Parents have the right to not consent to an IEP or to consent to part and disagree with other parts**
They should work with the team to develop a feasible and effective program for the child.

**Due process hearing/mediation**
Parents may initiate a due process hearing if they disagree with the school’s suggested program. Mediation can be requested at any point during this process. The school site must provide the parent with a form to go to due process.
Request for Records

Date: / /  
Principal: ____________________________ School: ____________________________
Address: __________________________________________________________________

Re: Request for Records

Student Name: ____________________________ D.O.B.: / /  
□ Special Education Student

Dear Sir or Madam:

In order to help me better understand my child’s educational progress and how to help him/her in school, I am writing to request a copy of all school records for (student name) __________, including, but not limited to, the cumulative file and ALL:

- Individualized Education Programs (“IEPs”)/504 Plans;
- Disciplinary Records, including, but not limited to, suspension and expulsion notices and referrals to a counselor or other school official;
- Attendance Records;
- Standardized Test Scores;
- Reports;
- Assessments and protocols;
- Grades/Progress Reports;
- Notes by teachers or other staff members;
- Memoranda.

As you are aware, the law requires that the records be provided within five (5) business days of the request. See Cal. Educ. Code §§ 56504, 56043(n) (special education students) and 49069 (all students); see also FERPA, 20 U.S.C. § 1232(g) and 34 C.F.R. § 99.10 (discussing access to records generally).

Please [□ Fax to ( ) __________ or □ Mail or □ Arrange for pickup on / / ] a copy of these records to my attention. Thank you in advance for your prompt action regarding this request. If you have any questions, please feel free to call me at ( ) ____________________________.

Sincerely,

________________________  ______________________________
Signature of Parent/Legal Guardian  Print Name/Relationship to Student

Sent Via:  
Principal/Designee’s Initials: _____
□ Fax to ( ) __________       Date Received: __________
□ U.S. Mail
□ Hand Delivered
REQUEST FOR INITIAL SPECIAL EDUCATION ASSESSMENT AND IEP

Date: / / 
Principal: ___________________________ School: ____________________________
Address: ____________________________________________________________________

Re: Request for Initial Special Education Assessment and IEP

Student Name: ___________________________ D.O.B.: / / 
Dear Sir or Madam:

I am the parent of (student name) ___________________________, a student attending your school. I am very concerned that my child is not progressing in school and may need a special education program to meet his/her educational needs.

Thus, I am requesting a multi-disciplinary team evaluation to determine whether (student name) ___________________________ is eligible for special education and related services under IDEA (including the IDEA “Other Health Impaired” category), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, California Education Code Sections 56029 and 56302, and 5 C.C.R. Section 3021.

In preparation for this meeting, I am requesting that comprehensive assessments be conducted in all areas of suspected disability including, but not limited to, health and development, vision, including low vision, hearing, motor abilities, language function (speech/language), general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. See Cal. Educ. Code § 56320(f).

Also, please [ □ Fax to ( ) ___________ or □ Mail ] a copy of such evaluations and the protocols to my attention within a reasonable time prior to the meeting. See Cal. Educ. Code § 56329(a)(3).

I look forward to receiving a copy of the assessment plan within 15 days. See Cal. Educ. Code § 56043(a). Please be sure to attach a notice of parent’s rights to this assessment. See Cal. Educ. Code § 56301(d)(2). I also understand that an IEP team meeting must be held within 60 days of my consent for an evaluation. See Cal. Educ. Code § 56302.1(a); see also Cal. Educ. Code § 56043(f)(1). A [ □ morning or □ afternoon ] IEP team meeting would be convenient for me. As you know, all efforts should be made to schedule the IEP meeting at a mutually agreed upon time and place. See Cal. Educ. Code § 56341.5(c).

Thank you in advance for your prompt action regarding this request. If you have any questions or concerns, please feel free to call me at ( ) ___________.

Sincerely,

____________________________
Signature of Parent/Legal Guardian

____________________________
Print Name/Relationship to Student
REMEMBER REGARDING RECEIPT OF ASSESSMENTS AND RECORDS PRIOR TO IEP

Date: / / 

Principal: ________________________________

School: ______________________________________

Address: ______________________________________

Re: Reminder Regarding Receipt of Assessments and Records Prior to IEP

Student Name: ______________________________ D.O.B.: / / 

Dear Sir or Madam:

I am the parent of (student name) ___________________________, a student attending your school.

I am writing this letter to follow-up on my initial request made on (date) / / to receive copies of all assessments, reports, and protocols prepared for the upcoming Individualized Education Program [IEP] meeting scheduled for (date) / / . See Cal. Educ. Code Section 56329(a)(3).

Please [☑ Fax to ( )]__________ or ☐ Mail ] these documents to my attention at least four days prior to the meeting so that I can properly review them and effectively participate as a member on the IEP team.

Thank you in advance for your prompt action regarding this request. Again, I look forward to working with you to ensure that my child receives an appropriate public education.

If you have any questions or concerns, please feel free to call me at ( )__________.

Sincerely,

___________________________  ______________________________
Signature of Parent/Legal Guardian  Print Name/Relationship to Student
**Notice to Tape Record IEP Meeting**

Date: / /  

Principal: ____________________________

School: ____________________________

Address: ____________________________

Re: Notice to Tape Record IEP Meeting

Student Name: ______________________  D.O.B.: / /  

Dear Sir or Madam:

I am writing this letter to provide you with notice that I plan to tape record the IEP team meeting scheduled for (date) / / at (time). See Cal. Educ. Code Section 56341.1(g)(1) and 56321.5.

If you have any questions or concerns, please feel free to call me at ( )______________.

Sincerely,

________________________________
Signature of Parent/Legal Guardian

________________________________
Print Name/Relationship to Student
30-DAY IEP REQUEST

Date: / / 

Principal: ____________________________________________

School: _______________________________________________

Address: ______________________________________________

Re: 30-Day IEP Request

Student Name: ________________________________ D.O.B.: / / 

Dear Sir or Madam:

I am the parent of (student name) ______________________, a student attending your school. I am writing this letter to request that an Individualized Education Program (“IEP”) team meeting be held for (student name) ______________________ as soon as possible, but within 30 days. See Cal. Educ. Code §§ 56343(c) and 56343.5. I am concerned that my child is not progressing in school, and believe that his/her program may need to be modified to address his/her individual needs.

A [□ Morning or □ Afternoon ] IEP team meeting would be convenient for me. As you know, all efforts should be made to schedule the IEP team meeting at a mutually agreed upon time and place. See Cal. Educ. Code § 56341.5(c). Also, if any assessments or evaluations are conducted prior to the IEP team meeting, please [□ Fax to ( ) _______________ or □ Mail ] a copy of such evaluations and the protocols to my attention within a reasonable time prior to the meeting. See Cal. Educ. Code § 56329(a)(3).

Thank you in advance for your prompt action regarding this request. If you have any questions or concerns, please feel free to call me at ( ) _____________________.

Sincerely,

_________________________________ ______________________________
Signature of Parent/Legal Guardian Print Name/Relationship to Student
**Reminder for Triennial IEP Meeting and Related Requests**

Date: / /  

Principal: ______________________  School: ______________________

Address: ________________________________________________________

Re: Reminder for Triennial IEP Team Meeting and Related Requests

Student Name: ____________________________  D.O.B.: / /

Dear Sir or Madam:

I am the parent of (student name) ____________________________, a special education student attending your school.

At this time, I am writing to ensure that the triennial Individualized Education Program (“IEP”) team meeting for (student name) ____________________________ is held by the date mandated by law, (date) __/__/______. See Cal. Educ. Code Sections 56043(k) and 56381(a)(2). In preparation for this meeting, I am requesting that comprehensive assessments be conducted in all areas of suspected disability including, but not limited to: health and development, vision, including low vision, hearing, motor abilities, language function (speech/language), general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. See Cal. Educ. Code Section 56320(f).


A [☐ morning or ☐ afternoon ] IEP team meeting would be convenient for me. As you know, all efforts should be made to schedule the IEP team meeting at a mutually agreed upon time and place. See Cal. Educ. Code § 56341.5(c).

Thank you in advance for your prompt action regarding this request. If you have any questions or concerns, please feel free to call me at ( ) ____________.

Sincerely,

_________________________________  _______________________________
Signature of Parent/Legal Guardian  Print Name/Relationship to Student
DISCRIMINATION COMPLAINT FORM

US. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
50 UNITED NATIONS PLAZA, ROOM 239
SAN FRANCISCO, CALIFORNIA
94102

DISCRIMINATION COMPLAINT FORM

(This form is not required to file a complaint with OCR. However, the information requested in Items 1 – 5 must be provided for all complaints, whether or not the form is used.)

1. Name of person filing this complaint:

NAME (Mr./Ms.)______________________________________________

(Last) (First) (Middle)

ADDRESS______________________________________________________

CITY & STATE_________________________________________________

(ZIP)

HOME PHONE No. ______________________________________________

(Area Code)

WORK PHONE No. ______________________________________________

(Area Code)

EMAIL ADDRESS ______________________________________________

2. Name of person discriminated against (if other than person filing):

NAME (Mr./Ms.)______________________________________________

(Last) (First) (Middle)

ADDRESS:____________________________________________________

CITY & STATE_________________________________________________

(ZIP)

HOME PHONE No. ______________________________________________

(Area Code)

WORK PHONE No. ______________________________________________

(Area Code)
3. OCR investigates discrimination complaints against institutions and agencies that receive funds from U.S. Department of Education. Please identify the institution or agency that discriminated against you. If OCR cannot take your complaint, it will refer it to the appropriate agency.

NAME (Mr./Ms.)_________________________________________________________

ADDRESS________________________________________________________________

CITY & STATE/ZIP_______________________________________________________

DEPT. OF SCHOOL_______________________________________________________

4. The laws OCR enforces prohibit discrimination because of race, color, national origin, sex, disability, or age. Please indicate whether the complaint concerns student services or employment (or both) and complete the appropriate category(ies) under basis:

BASIS (Check one or more and specify for each item checked.)
Grounds on which you feel you were discriminated against:

___ Student Services ___ Race/Color ________________________________

___ National Origin ____________________________________________

___ Sex _________________________________________________________

___ Disability __________________________________________________

___ Age _________________________________________________________

___ Employment ___ Race/Color ________________________________

___ National Origin ____________________________________________

___ Sex _________________________________________________________

___ Disability __________________________________________________

5. What is the most recent date you were discriminated against?

_____________________________________________________________________

6. If more than 180 days have passed since this date, please explain why you waited until now to file your complaint.

_____________________________________________________________________

7. When did the alleged discrimination begin? ________________________________
8. When and in what way did you first become aware that the treatment, act, or decision was discriminatory?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

9. Have you tried to resolve your complaint with the institution through an internal grievance procedure?

YES ___          NO ___

If you answered yes, please give OCR the name of the grievance procedure, the date you filed, and tell OCR the status of your complaint at this time.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

10. The laws OCR enforces prohibit institutions receiving Department of Education funds from retaliating, harassing, or intimidating persons for taking action or participating in an action to secure rights protected by Title VI, Title IX, Section 504, Title II, or the Age Discrimination Act. If you feel that you have been harassed, intimidated, or retaliated against, please explain how and when this took place in your statement. Be sure to explain what action you took on your own behalf, or for someone else, to protect yourself or others from discrimination on the bases of race, color, national origin, sex, disability, or age, and describe how and when the institution learned of your action.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
11. In your own words, describe what happened, when it happened, and who was responsible. (Attach additional pages if necessary)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

12. If you have filed this complaint with any other Federal, State or local civil rights agency, or any Federal or State court, please give details and dates. OCR will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

AGENCY OR COURT: ______________________________________________________

________________________________________________________________________
________________________________________________________________________

DATE FILED: __________________________

RESULT OF INVESTIGATION/FINDINGS BY AGENCY: _________________________

________________________________________________________________________
________________________________________________________________________

13. If you have not filed with another agency, do you intend to do so?

YES ___  NO ___

NAME OF AGENCY: ______________________________________________________

ADDRESS: ______________________________________________________________

CITY & STATE: ___________________________________________________________

(Zip Code)

14. Have you (or the person you are filing this complaint for) ever filed a complaint with OCR before?

YES ___  NO ___
15. While it is not necessary for you to know about money that the institution you are filing against receives from the Federal government, if you know of any Education Department funds received by the program or department in which the alleged discrimination occurred, please provide this information below.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

16. OCR cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

_____________________________  _______________________________

(Date)                   (Signature)

17. If OCR cannot reach you at your home or work, OCR would like to have the name and telephone number of another person (relative or friend) who knows where and when OCR can reach you. This information is not required, but it will be helpful to OCR.

NAME: ________________________________________________

TELEPHONE NUMBERS:

(HOME) __________________________ (WORK) __________________________

(Area Code)    (Area Code)

18. OCR has a procedure available which is quicker than an investigation. This is an OCR mediation process. In this process, OCR attempts to help the complainant and the institution reach an agreement to settle the complaint. OCR does not use mediation if class issues are involved (e.g. more than one individual is alleged to have been harmed). In addition, both the complainant and the institution must want to take part in the mediation. Mediation is generally limited to approximately 25 days, and the complainant, the institution, or OCR may end the mediation process if it appears that an agreement cannot be reached. If this happens, OCR will investigate the complaint. One of the primary benefits of this process is that it may be possible to resolve your complaint quickly, without the need for an investigation.

If OCR feels that mediation of your complaint is appropriate, are you interested in having OCR mediate your complaint?

YES _____       NO _____
RESOURCES

Disability Rights California (formerly Protection and Advocacy, Inc.), Special Education Rights and Responsibilities (SERR) Manual

- www.pai-ca.org

California Department of Education, Special Education Division

- www.cde.ca.gov
- Procedural Safeguards Referral Service (PSRS) (800) 926-0648

OTHER SPECIAL EDUCATION REFERRALS

1. Learning Rights Law center . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . (213) 489-4030
2. Disability Rights Legal Center . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . (213) 736-8366
3. Mental Health Advocacy Services . . . . . . . . . . . . . . . . . . . . . . . . . . . . (213) 389-2077
4. Alliance for Children’s Rights . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . (213) 368-6010
5. Bet Tzedek (Grandparent Caregivers) . . . . . . . . . . . . . . . . . . . . . . . . . . . (323) 939-0506
6. Neighborhood Legal Services of L.A. County . . . . . . . . . . . . . . . . . . . . . . . (800) 433-6251
7. Disability Rights California (formerly PAI) . . . . . . . . . . . . . . . . . . . . . . . (213) 427-8747
8. LAUSD Parent Resource Network . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . (800) 933-8133
9. Whittier Law School – Children’s Rights Clinic . . . . . . . . . . . . . . . . . . . . . . (714) 444-4141
10. Southwestern Law School – Children’s Rights Clinic . . . . . . . . . . . . . . . . . . (213) 738-6621
5 20 U.S.C. §1400 et seq.
14 5 C.C.R. §3021(a).
17 20 U.S.C. § 1415(j); 34 C.F.R. 300.518(a).


37 20 U.S.C. §1412(a) (5).


44 5 C.C.R. §3040(b).

45 34 C.F.R. §300.345(e).


Cal Educ. § 56043(k); Cal Educ. Code §56381(a)(2).

Cal. Educ. Code §56500.2; 34 C.F.R. §300.151-152

34 C.F.R. §300.153(b).

C.F.R. §300.153(b)(4)(v).

34 C.F.R. §300.153(c).

334 C.F.R. §300.152(a)(1).

34 C.F.R. §300.152(a)(2).

34 C.F.R. §300.152(a)(4).

34 C.F.R. §300.152(a)(5).


Public Counsel, the public interest law office of the Los Angeles County and Beverly Hills Bar Associations, is the largest pro bono law firm in the U.S., and also is the Southern California affiliate of the Lawyers’ Committee for Civil Rights Under Law. Public Counsel coordinates the contributions of thousands of volunteer lawyers each year. Public Counsel serves those in need – such as children and the elderly, literacy projects and low-income housing providers, refugees and the homeless – by providing legal representation and matching financially eligible clients with volunteer attorneys.

While this publication is designed to provide accurate and current information about law, readers should contact an attorney or other expert for advice in particular case, and also consult the relevant statues and court decisions when relying on cited materials.

The content of this brochure may be reprinted. Any adaptation or translation of the contents of this brochure must be authorized by Public Counsel.

You may find this booklet and other Public Counsel booklets at www.publiccounsel.org (first, click on Practice Area”; second, click on “Children’s Rights”; third, click on “Publications”)
Public Counsel

610 South Ardmore Avenue
Los Angeles, CA 90005

213.385.2977 ext. 500
or
800.870.8090 ext. 500

www.publiccounsel.org