BERKELEY UNIFIED SCHOOL DISTRICT NORTH REGION SELPA

NOTICE OF PARENTAL RIGHTS AND PROCEDURES FOR RESOLVING DIFFERENCES

Berkeley Unified School District * North Region Special Education Local Plan Area
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Special Educatiow Rights of Preiits-ntI-€-hiMn--------
Under the Individuals with Disabilities Education Act, Part B,
and the California Education Code

Notice of Procedural Safeguards
Revised January 2009

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child’s special education

Parental Consent

When is my approval required for assessment?

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

When is my approval required for services?

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

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

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures.

If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components ofthe IEP, those components of the program to which you have consented must be implemented without delay.

Ifthe school district determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 Usc 1414[a][1j[D] and 1414[c]; 34 CFR 300.300; EC 56506[e], 56321[cJ 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
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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 ofthe 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 300.5 19; EC 56050; GC

How Disputes Are Resolved Due Process Hearing
When is a due process hearing available?
You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 Usc 1415[b][6]; 34 CFR 300.507; EC 56501 and 56505[l])
Mediation and Alternative Dispute Resolution
How do I resolve a dispute locally?
The district would like to work with you to resolve disagreements at the district level whenever possible. We invite you to call or meet with the Director of Special education and/or

Due Process Rights
What are my due process rights? You have a right to:
1. Have a fair and impartial

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 ifthe parent and the school district agree in writing to waivewaTj 10

School Discipline and Placement Procedures
for Students with Disabilities

School Discipline and Alternative Interim Educational Settings

May my child be suspended or expelled?

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:
• An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days, and
• Additional removals of not more than ten (10) consecutive school days in the same school year for separate
incidents of misconduct

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

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child’s IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

If a child exceeds ten (10) days in such a placement, an IEP team meeting must be held to determine whether the child’s misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within ten (10) days of the school district’s decision to take this type of disciplinary action.

As a parent you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

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

If the IEP team concludes that the misconduct was not a manifestation of the child’s disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 Usc 1415[k][1] and [7]; 34 CFR 300.530)

If you disagree with the IEP team’s decision, you may request an expedited due process hearing, which must occur within twenty (20) school days ofthe 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 ofservices and modifications detailed in the IEP. (34 CFR 300.530; EC48915.5[b])

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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][l0][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

Local Complaint Procedures

How do I resolve a complaint locally?

The District would like to work with you to resolve complaints at the district level whenever possible. We invite you to call or meet with the Director of Special education and/or Program Supervisor who has been designated to work with compliance issues and attempt to resolve your concern informally before a complaint is filed. S/he

NORTH REGION SELPA

Alameda, Albany, Berkeley, Emery, Piedmont Unified School Districts

Annual Parental Notification

Medi-Cal Billing in Schools
2013-14

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Unified School District (the District) participates in the LEA Medi-Cal Billing Program offered
through the California Department of Health Care Services. The program allows for the District to receive federal reimbursement for some health-related services provided to Medi-Cal eligible students while they are at school. The funds are reinvested back into the school programs to benefit students and their families.

Under this program, the District can bill Medi-Cal for assessments and services for students with lEPs and IFSPs, as well as for students who, upon assessment, do not qualify for special education services. The areas of service include speech and language therapy, psychological services, occupational therapy, physical therapy, nursing services, special education transportation, and case management.

Your Rights and Protections:

• Parental consent must be obtained before the District can submit Medi-Cal claims for a student’s billable
health services.

• This is a one-time consent that can be revoked at any time. However, revocation of consent will not
negate any billing that occurred during the time that the consent was in effect.
• If you refuse to consent, or if you revoke your consent, the District must still provide the services on your
child’s IEP or IFSP.

• The parent/student will never pay a fee for health services provided to your child by the District.
• The parent/student’s Medi-Cal benefits will never be affected in any way.
• The student’s medical/educational records may be disclosed to Medi-Cal for the purpose of authenticating
claims. Information disclosed to Medi-Cal may include personally identifiable information such as name,
date of birth, gender, student ID number, services received, service dates, and name of provider(s). The
Family Education Rights and Privacy Act (FERPA) protects the confidentiality of your child’s information.
• The District will provide annual written notice to parents before accessing their child’s public insurance
benefits (Medi-Cal).

What does this mean?

• By giving consent, you are not disclosing whether or not your child is currently eligible for Medi-Cal
benefts.

• You may revoke your consent at any time by contacting the Special Education Office at the District.
• Whether you give consent or not, the services your child receives under his/her IEP will not be affected.
• The Medi-Cal benefits of your child and/or family will not be affected.
• Upon request, you may receive copies of your child’s medical/educational records that are disclosed.
• The confidentiality of your child’s information will be protected.

If you choose to consent, you may provide Written Consent in one of two ways:

1. By signing the Medi-Cal billing statement line on the Parent Consent page of the IEP.
2. By signing the Consent for LEA Medi-Cal Billing Option Based Services given to you by the District.

NORTH REGION SELPA

Alameda, Albany, Berkeley, Emery, Piedmont Unified School Districts

Consent for LEA Medi-Cal Billing for Services

Student Name:

Date of Birth:

School District:

The LEA Medi--Cal Billing Program in California:

• Provides partial reimbursement to school districts for services such as speech and language
therapy, psychological services, occupational therapy, physical therapy, nursing services, special education transportation, and case management.
• Does NOT affect a family’s Medi-Cal insurance benefits and there is NO cost to the family, now
or in the future.

• Helps school districts to offset some of the coasts of health care provided to children.
• Is voluntary and requires a parent or guardian to provide written consent to release information
about their child to the California Medi-Cal agency to obtain reimbursement. This may include personally identifiable information such as name, date of birth, gender, student ID number,
services received, service dates, and name of provider(s).

If your child receives any of the services listed above and qualifies for Medi-Cal benefits at any time during the school year, we request your permission to release information to enable the school district to access Medi-Cal reimbursement. You have the right to withdraw this consent at any time. If you do not provide

Parental consent to bill Medi-Cal for IEPIIFSP health services

Information for parents to help understand this requirement

Giving consent for the school district to bill Medi-Cal allows for the district to be reimbursed for the health seivices that your child receives in school. Giving consent will not affect your child’s Medi-Cal benefits in any way. Even if your child is not currently on Medi-Cal, giving consent will allow for the school district to receive funds should your child ever become Medi-Cal eligible in the future.

• Why do I need to give parental consent on my child’s IEP for the school
district to bill Medi-Cal?

It’s a requirement for the LEA Medi-Cal Billing Option Program. Your child’s
school participates in this program to receive funds to benefit the students.

• What is the LEA Medi-Cal Billing Option Program?
It’s the federal program, administered by the state, that reimburses school districts for health services provided to Medi-Cal eligible students who have an IEP. The school district receives reimbursement funds from the state which are reinvested back into the schools.

• What if my child isn’t on Medi-Cal?
Then the district won’t bill Medi-Cal for your child’s health services.

• If my child is on Medi-Cal, will this affect their Medi-Cal benefits?
No, not at all. Your child’s own personal Medi-Cal benefits are never affected by this school-based service.

• What about privacy? Will my child’s health records be disclosed to
anyone?
In the event of an audit, the auditor (under strict FERPA and HIPAA guidelines) will verify that services were provided according to the submitted Med i-Cal claim.

• If I check “yes” on the IEP for this billing, can I change my mind in the
future?
Yes, you can always change your mind.

• If I check “no,” will that affect my child and the services helshe receives?
No, your child’s services will never be affected in any way.

• If I check “yes,” can I have copies of my child’s health records that could
be disclosed?

Yes, under FERPA guidelines, you can request to review copies of your child’s health information.

• Will I have to pay for any of my child’s health services related to the IEP?
No, payment will never be required of you for your child’s health services received in school.