

# NEW HORIZON SCHOOL



# FAMILY HANDBOOK

# NEW HORIZON SCHOOL

## Family Handbook

### TABLE OF CONTENTS

Page 1	New Horizon School's Way of Life
Page 2	General Information: Attendance, Absences, Grading/Credits, Cheating & Plagiarism
Page 3	Class Schedules, School Meetings, Independent Study, Field Trips, Clothing, Lost & Found
Page 3/4	Community Involvement / Community Service, Fundraising
Page 4	Emergency Information: Notification, Emergency Cards, Change of Address/Ph, Emergency Preparedness; Lockers
Page 5	Backpacks; Lunch, Off-campus privileges; Lost Books/Materials & Unpaid Fees
Page 6	All Things Medical: Medications, Medical, Eye & Hearing Exams; Immunizations; Information Regarding Student/Parent Rights, Access to Student Records
Page 7	Distribution of Printed Material; Student Discipline/Suspension/Expulsion; Technology: Cell phones/Electronics, Personal or School Computer Use
Page 8	Electronics, Games, Earbuds/Headphones for Music; Transportation, District Funded Transportation, School Vans, Rented Vans, Parent or Teacher's Cars
Page 9	Bikes, Skateboards, Scooters, Etc.; Visitors; Work / WORKABILITY 1 Program, Work Permits
	Graduation Requirements
	Appendices & Additional Information

## NEW HORIZON SCHOOL'S WAY OF LIFE

1. Treat everyone with RESPECT, COMPASSION and KINDNESS.

Physical, emotional or verbal harm, including profanity or harassment to another person will not be tolerated. This includes spreading rumors, bullying and/or denying equal rights.

We are striving for a safe environment for every student, parent, teacher, staff member, volunteer and guest. Demonstrating disrespect to anyone in our school community is not acceptable.

2. DO YOUR BEST WORK. Each of us is unique and learns differently than others. Being aware and respectful of our differences and the needs of others is important. Some of us need quiet, others need to listen to music while doing math problems, others may need to take breaks or use technology. We may not understand why one person needs one thing and another needs something else. New Horizon School encourages universal design to support everyone's needs and to help level the playing field.
3. Class rules are important. Disturbing others in class or other classes is done only if necessary.
4. Being at school and in class on time (prepared with pencil, pens, papers, binders, books, folders, homework and assignment books) is expected. We will help support those who are learning to be organized but over time we all have to learn techniques to be organized for ourselves.
5. Students (and staff) will participate in daily chores. Cleaning up after oneself is to be considered a way of life at school, at home and on the job.
6. When leaving campus, students and staff will use side walks, crosswalks and not cut through neighbor's property. There is a lot of traffic out there!
7. Noise is a problem. If outside, please take breaks under the bay tree on the East side of the school, rather than on the porch. If on the porch, please be on the side near the front door not on the side by the lockers.
8. Our house is old and needs respect.
9. Students should lock the bathroom doors when in use. No other doors are to be locked by students unless there is an emergency.
10. The dating of other New Horizon School students is strongly discouraged.
11. If you are having an issue with someone at school, talk to that person about it. If you can't do that, find a safe person to help you. We want to work out our differences and our frustrations in a positive way.
12. Get involved. Help each other, help the school and help the community. Students are asked to complete 10 hours of community service at school and 10 hours in the community each year.

## GENERAL INFORMATION

### Attendance

Students are expected to attend classes regularly. State law requires that the school keep an accurate record of each student's attendance. **The single greatest cause for failing classes is poor attendance. If a student is to receive maximum value from his/her education, good attendance is a necessity.**

### When a student is absent:

1. The parent/guardian/adult student is asked to call 707-579-3723, text Devin at 707-479-2984 or email: [office@newhorizonschool.info](mailto:office@newhorizonschool.info), or go onto the parent page of the New Horizon School website to leave a message for the school **each morning before 9am** to report absences unless the exact number of days of absence is known ahead of time. This notification serves as a note of absence if the reason for absence is given. For funded students, it's necessary to track absences for districts, so we require notification. If student absence is not reported, staff will call parent/guardian at or just after 10am to check in.

\*\*We request notification so we don't worry about the whereabouts of any students.

2. Tardies and early releases are discouraged unless necessary for medical reasons, family emergencies or religious reasons. Students who leave campus during the school day are required to check out as well as sign the check-out/in book located in foyer area. If parents pick up their student, they must sign too.

### Grading and credits

Grades are based on the student's attendance, participation, and effort in relationship to ability, IEP goals, test scores, daily work, and completion of other course requirements. Grades are sent out quarterly and listed each semester on transcripts. GPA is listed on transcripts by semester for high school students. Please see Appendix G for graduation requirements.

### Earning partial credits

**If a student misses 10 classes in any course per quarter, he/she will lose 1.0 credit. Three tardies = one class absence.**

### Grade of "Incomplete"

Students receiving an incomplete for any course will have one week to make up and turn in to teacher any outstanding work. If the coursework is not completed by that time, the grade automatically becomes an "F" and no credits are given for the course in that quarter. Medically based incompletes may be granted a longer period for coursework completion. This is determined on an individual basis.

### Cheating & Plagiarism

Cheating & Plagiarism are unethical and unacceptable. Students will receive a zero on tests and/or assignments for having knowingly cheated or plagiarized and they may fail the course.

**All of the following are considered plagiarism:**

- 1) Turning in someone else's work as your own
- 2) Copying words or ideas from someone else without giving credit

- 3) Failing to put a quotation in quotation marks
- 4) Giving incorrect information about the source of a quotation
- 5) Changing words but copying the sentence structure of a source without giving credit
- 6) Copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not (see 'fair use' rules).

### **Class Schedules**

Student's class schedules are updated and revised quarterly and are based on grade level, state requirements, IEP goals, time of attendance, class size and other considerations. Schedules may sometimes contain errors, and students are encouraged to write M a memo and meet with her to change classes when appropriate.

### **School Meetings**

When school meetings are held, all students present are required to attend. Appropriate behavior is expected.

### **Independent Study**

Student may earn credit for independent study work if agreed upon and developed by teacher and approved by Director. (If funded by Districts, students also need prior permission from the District and IEP team and the agreement must be included in the IEP/Amendment/ISA.) Proof of completion of work, on time, is needed to earn credits.

### **Field Trips/ Notices**

Field trip notices are sent if the field trip is outside the Santa Rosa area (50-mile radius). Parents/guardians/adult students must sign these (in advance). Students need to return them to school by the date noted; otherwise, the student will attend regular classes at New Horizon that day. Students may not drive their own cars on field trips.

Students are expected to prepare for field trips the day prior, bringing required items the day of field trip. Students are expected to arrive on time or early for planned departures. If students arrive late they will be left behind and expected to participate in classes.

### **Appropriate Attire**

Students are required to use footwear and reasonable attire to school. Clothing that may be perceived as offensive, provocative, or unsanitary is not school appropriate. NHS discourages wearing attire with political statements that might offend others. Attire advertising or promoting alcohol, drugs, sex or violence are not welcome. Students may be asked to change or call home for other clothing.

### **Lost and Found**

All lost & found items should be turned in to a teacher or to the front desk. NHS is *not* responsible for lost/stolen articles. **Use your lockers! Lock your lockers! Do not share the combination!**

### **Community Involvement / Community Service Hours**

New Horizon students are required to participate in a community service program. **Students are required to do 10 hours of community service at school and 10 hours in the community each year.**

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Community service hours completed in the community may involve work for non-profit groups, environmental causes/cleanups, work at shelters, hospitals, food banks etc. High school credit cannot be earned for hours served, nor are they paid for through the WorkAbility program or any other type of funding. Ask M for details. If you are unsure whether the work you want to do would be considered community service, please ask M.

### **Fundraising**

Students and parents are asked to be involved in organizing and participating in at least one fundraiser each school year.

## **EMERGENCY INFORMATION**

### **Notification / Emergency Cards**

If a parent is denied the right to be in contact with his/her child due to court order, New Horizon School must have legal notice of the order.

Emergency cards for all students must be on record from the time of enrollment. The information on this card must be kept current, as a student cannot be dismissed from school due to illness unless a parent/guardian or designated person is notified.

### **Change of Address or Phone Number**

Changes of address, home phone, cell phone, email, etc., must be reported immediately. **If you're funded by a school district, they require notification within three days (from the parent). New Horizon must also notify districts. We also need notification of all changes; cell/home phone numbers are essential for our emergency phone tree.**

### **Emergency Preparedness**

Information is updated annually and is available on the school website: [www.newhorizonschool.info](http://www.newhorizonschool.info) Please be prepared by reading it. Families are encouraged to develop their own plans as well. Phone trees are updated on a regular basis.

We ask that all families participate in donating food yearly for emergency supplies /food at school and send a ziplock bag of stuff to school for the kids to have in case of emergency. See Emergency Handbook for that list.

Earthquake, fire and unwanted intruder drills are held monthly at school on a rotating/random basis.

## **LOCKERS**

Each student will be issued a locker in which school books, backpacks and other school items may be kept. Cost for replacement of locks is \$15. Please use your lockers and clear them out at least weekly. NHS reserves the right to inspect lockers. Lockers belong to the school and may be opened for valid cause at any time by the administration.

The person to whom the locker is assigned will be held responsible if any contraband items are found in the locker. Lockers should always be locked. **Students should bring valuables home daily.** New Horizon School is not responsible for the loss of items left in any lockers. See Appendix B for Locker Use Rules.

## **BACKPACKS**

Backpacks must be kept in locations where contents are safe and will not be a hazard to others. We prefer that students use their lockers. Backpacks should be cleaned out regularly and should weigh no more than 10% of student's body weight.

## **LUNCH**

Students are asked to bring healthy lunches and snacks to school daily. A microwave, toaster and small fridge are available for use. **Please eat in the library, the room next to the kitchen or outside on the picnic tables or front porch.**

**Off-Campus Lunch Privileges**--This is a privilege, not a right!  
To be eligible for off campus lunch privileges:

1. A student must be in 9<sup>th</sup>–12<sup>th</sup> grade & 14 years or older with written permission from both parents & staff. Students will go off campus for lunch in pairs or groups unless they are seniors and given permission by parents to go off by themselves. They may not drive off campus for lunch.
2. Students must be in good standing academically and behaviorally and follow school off-campus rules to maintain off-campus privileges.
3. Students may bring sodas or energy drinks onto the campus but may not share them or sell them to others.

If students lose their privilege for off campus lunch, other students, parents/guardians or staff cannot purchase a lunch for them and deliver it to the student. The student has to brown bag until the privilege is returned.

We require that students go off in pairs or groups for safety reasons. ***The mall is off limits—per Santa Rosa Police!***

Students will sign in and out for lunch. Students may use their vehicle with parent permission only. They cannot transport other students in their vehicles during school/lunch time. **Students need to eat, pick up after themselves and be ready for class on time.**

## **LOST BOOKS / MATERIALS AND UNPAID FEES**

Students, not their teachers, are responsible for keeping and later returning textbooks to the school. Books should be turned in to the teacher or office. Student records cannot be processed; transcripts,

diplomas and some school privileges will be withheld for those with outstanding books and fees. Students must pay for lost or destroyed books and materials.

## **ALL THINGS MEDICAL**

### **Medications**

Students taking prescriptions during the school day must have a note written by parent/guardian giving permission for staff to administer medications. This must be accompanied by the original prescription from the doctor with instructions describing how/what/when to dispense. Prescriptions must be turned in to the office unless other arrangements are made. Nonprescription meds (aspirin, etc) may be brought to school by a student with written permission of parent/guardian and school. No meds are to be shared with other students.

### **Medical, Eye and Hearing Exams**

Please have annual exams or screenings by your family providers. This is so important!

### **Immunization**

Immunizations, by state law, must be up to date. Hepatitis vaccines are required when entering grade 7. New Horizon must have a copy of immunization records or form declining immunization signed by parents on file in order for students to attend school.

Students entering 7<sup>th</sup> grade are required by law to be immunized for Hepatitis B and to receive a second dose of measles vaccine. It is also advised that students have a Tetanus-Diphtheria (TD) booster. **Whooping cough vaccine (TDAP) is required before school starts in the fall. You'll need to send copies of vaccination verification to school before school begins.**

Under a new law enacted by SB 277, beginning January 1, 2016 personal beliefs exemptions will no longer be an option for the vaccines that are currently required for entry into child care or school in California. Personal beliefs exemptions already on file will remain valid until the child reaches the next immunization checkpoint at transitional kindergarten/kindergarten or 7<sup>th</sup> grade. For more information regarding SB277 visit: <http://www.shotsforschool.org/>

## **INFORMATION REGARDING STUDENT/PARENT RIGHTS**

**See Appendix E for Parent/Student Rights and Procedural Safeguards for Special Education Rights.**

### **Access to Student Records**

Parents have a right to inspect and review all of their child's educational records, including transcripts, without unnecessary delay before any meeting about the student's IEP or before any due process hearing. The school must provide parent access to records/transcripts and copies if requested within five days after the request has been made orally or in writing. (Transcripts are updated twice a year at the semester.)

**\*\*Student rights regarding IEP's privacy and confidentiality, special education law and transition are provided in group meetings annually and reviewed individually. This information includes, but is not limited to, the following:**

- 1) The right to educational self-determination at 18 years of age.

- 2) The right to confidentiality and accessibility of information regarding the student, his/her records, access to IEP team members, input in/for IEP and ITP's.
- 3) The right to request and participate in IEP/ITP meetings and inviting pertinent support persons to those meetings.

**\*\*Student's Rights General/State and Federal**

### **Distribution of Printed Material**

The director reserves the right to refuse to post any article, poster or notice within the school environment. SEE APPENDIX D for additional information on Students Rights. While New Horizon School supports students' rights and encourages self -advocacy, it is the responsibility of the school to maintain a safe environment for all.

SEE APPENDIX D for additional information on Students Rights

### **STUDENT DISCIPLINE / SUSPENSION / EXPULSION**

**New Horizon School follows state laws in regard to infractions regarding suspensions and expulsions. See Appendix F**

Acts of **racial prejudice, sexual harassment or bullying** are not permitted and will not be tolerated.

New Horizon School reserves the right to discontinue enrollment of any student who may jeopardize the learning or safety of himself/herself or others attending or working at New Horizon School.

### **TECHNOLOGY**

#### **Cell phones / Electronics (See AB272)**

In order to use technology safely and responsibly, electronic communication will generally take place outside of class time. Students need to be in class and ready to learn when class begins. If not used responsibly, the privilege will be suspended and students will be required to willingly turn in devices to the front desk for the remainder of the school day; parents will be notified.

*With teacher permission, cell phones may be used in classroom for educational purposes.* Students may also use the telephones provided in the foyer after asking permission from a teacher or staff. Such calls should take place before school, during break, during lunch, and after school—not during class time.

#### **Personal or School Computer Use**

Personal computers can be used in classes with teacher permission. School owned computers, tablets as well as chargers, headphones etc. need to be checked out and checked back in after each class with Devin at the front desk. Students are allowed to be on their electronic devices during break time and during lunch.

**Note:** It is never legal to take pictures of others without their permission using cell phones, all communications devices or cameras. Nor is it appropriate to audiotape.

### **Electronics / Games**

Appropriate electronic entertainment or using personal computers/tablets/cell phones during break and before or after school is generally permitted but are not to be used during class time unless they are part of a lesson provided by a teacher.

### **Earbuds and Headphones for Music**

These are allowed in class with teacher permission but never while a lesson is being taught. They may also be used during lunch. Volume needs to be controlled and not be heard through your headphones by others. Safety is an issue as high volume may cause permanent hearing loss.

Guitars, other movable musical instruments/equipment should be kept in the closet in Room 10 when not in use. They are delicate and need to be treated gently. They are never to be left out and unlocked overnight.

## **TRANSPORTATION**

1. If driving to school, students may want to buy monthly parking passes from the city or from neighboring lots. A couple of spots in the side lot next to the field may be available for rent by the month for students at our school cost.
2. Students may travel in another student's car when both students are leaving school for the day or are commuting to school in the morning together. **Both students (driver and passenger) must turn in written permission slips from parents/guardians in order to have this privilege.** Parents are responsible to check with the driver to assure they have legal/proper license to drive with peers, auto insurance and driving competence.
3. In order to assure safety of our students, parents must notify the school about those individuals who may or may not pick up their student from school. If a person is denied the right to be in contact with their child due to court order, New Horizon School must have legal notice of the order.

### **District Funded Transportation**

School bus service is provided to funded students as written in individual IEP's. School bus information may be obtained by calling the special education department of your school district office. For State Rules of behavior see Appendix C.

Parents/students are required to call their district transportation service to cancel the bus on days of absence or if not using the bus for transport on certain day(s).

### **School Vans, Rented Vans, Parent or Teacher's Cars**

The School vans and rented vans may be used for transportation. We follow the rules in Appendix C for public school buses and all other vehicles. Owners of private vehicles make their own rules about eating and drinking, appropriate music, etc. but basic courtesy is the main expectation.

**Bikes, Skateboards, Scooters, Etc.** Although bicycles, skateboards and scooters are an environmentally responsible measure for transportation, they must be locked up in parking area or, if small enough, in lockers or shed. See Appendix C for Van/Car/Bus Rules for students.

## **VISITORS**

We may have scheduled visitors observe classes. These visitors may include prospective students, parents, school officials or specialists asked to observe. Friends of students are asked to refrain from visiting or being on campus.

## **WORK / WORKABILITY 1 PROGRAM**

*New Horizon School currently has a grant to provide prevocational training, work experiences and supportive transition services for eligible high school students with IEP's.*

### **Work Permits**

Work permits are available from Jeremy/M or from school district offices. High school students aged 15 ½ or 16 and older are encouraged to seek part-time employment. Generally, students are asked to work no more than 10-15 hours per week when school is in session. To be eligible for a work permit, the student must be in good standing academically and behaviorally. Work permits expire every August 31. Each new job requires a separate work permit.



# New Horizon School & Learning Center

827 Third Street • Santa Rosa • CA 95404 • Tel 707.579.3723 • Fax 707.579.8760

[www.newhorizonschool.info](http://www.newhorizonschool.info)

## Graduation Requirements

Subject Area	Course Titles	Credits Required to Graduate
English/ Language Arts	English Tutorial R (Remediation): 1r, 2r, 3r, 4r English 9p, 10p, 11p, 12p (College Prep) English Tutorial 1-1 (Tutorial / Ed Therapy)	40
Mathematics	Math/Alg Readiness; Practical Math; College Prep Math; Industrial Math (SRJC); Geometry p (See District Requirements)	10
Math 1 (Algebra 1)	Math 1 (Two-year program) Math 1A, Math IB or Math 1 (One-year program)	20 10
Math 2 (Algebra 2)	Math 2	
Life Science	Life Science p - Biology, Human Anatomy, Ag, Ecology, Botany, Genetics (Living Organisms)	10
Physical Science	Physical Science p / Earth Science p – Chemistry, Geology, Physics, Zoology, Meteorology	10
Social Sciences/ Social Studies	World History p / Geography US History p US Government p Economics p Social Studies/Humanities (See District Requirements)	10 10 5 5
Fine Arts	Art, Ceramics/Sculpture, Music, Drama, Dance, Foreign Language, Sign Language, Creative Writing, Photography, Yearbook, Journaling, Journalism	10
Practical Arts	Stage Craft/Building, Visual Arts, Computer, Culinary, Photography, Crafts, Sewing	10
Vocational Education	WA1, Work Experience, Career Exploration, Transition, Community Service Computer, Careers, Money Matters, Senior Seminar, Extra Science, Math	20
Physical Education	Outdoor Education, Martial Arts, Golf, Bowling, Ice Skating, Independent PE	20
Electives	Psychology/Counseling, Cooking, Study Skills, Peer Tutoring, Tutorial, Social Skills, Directed Study, Leadership	40
Health Life Skills/ Senior Seminar	Health Life Skills	5 5
Total Credits Required to Graduate		220

**NEW HORIZON SCHOOL**  
**List of Appendices & Other Information**  
**for Family Handbook**

- Appendix A: Sexual Harassment & Harassment Policy
- Appendix A2: Harassment Complaint Form
- Appendix A3: CA Ed Code re Sexual Harassment
- Appendix B: Locker Use Rules
- Appendix C: Van / Car / Bus Rules for Students
- Appendix D1: High School Student Rights
- Appendix D2: High School Top 10 Questions
- Appendix E1: Student's Right to Confidential Conversations w/IEP Team Member
- Appendix E2: Special Education Rights and Information for Students
- Appendix F: Suspension & Expulsion
- Special Ed Rights of Parents and Children: Notice of Procedural Safeguards
- Alternative Dispute Resolution
- Conservatorship
- Hotlines & Emergencies
- Sonoma County Public Safety Hotlines & Helplines
- Sonoma County Department of Health Services Information

### **Sexual Harassment and Gender Identity Harassment Policy (Student)**

Sexual harassment is unwanted sexual attention, teasing or touching. New Horizon School does not tolerate sexual harassment whether it is expressed or implied.

#### **There are two types of Sexual Harassment:**

- Hostile environment harassment means your right to an education has been taken from you because you are afraid to go to school, afraid or feel uncomfortable participating in any school activity because of the behavior of another student, group of students, a teacher or another adult who works or volunteers at the school.
- Quid pro quo harassment is when a teacher, coach or another person in authority at the school blackmails you or threatens to reveal something you do not want shared. This person may demand that you do something sexual or perform a sexual act in exchange for a better grade, keeping quiet about something you do not want shared or allowing you to participate in a school activity or on a sports team.

In either case, taunts (sexual comments, name calling, jokes, insults), gestures (looks, simulations, flashing, mooning, voyeurism), rumors by any means, exposure to explicit images, sexting, unwanted touching or physical contact (including fondling, pinching, grabbing, rubbing, having clothes tugged, being forced to touch, hug, kiss, being cornered or restrained in a sexual way are all forms of sexual harassment and are not permitted and will not be tolerated. It must be understood that it is the perception of the victim and observers that dictate sexual harassment and not of the perceived harasser.

If you feel you are being sexually harassed, you can:

- Notify a teacher, staff person or parent
- If appropriate, fill out the complaint form found in your student/parent handbook, also available on the school website. Please submit to M or safe adult.
- Each complaint will be promptly investigated with all effort to ensure policy is enforced.

Sexual harassment will lead to immediate suspension and possible referral for expulsion of students and suspension and removal of staff.

*Sexual harassment* may involve:

1. Unwelcome sexual flirtations or propositions, requests, or coaxing.
2. Verbal abuse of a sexual nature.
3. Graphic verbal comments about an individual's body.
4. Sexually degrading words used to describe an individual.
5. Display of sexually suggestive objects or pictures in the educational environment.
6. Any act of retaliation against an individual who reports a violation of the school's sexual harassment policy or who participates in the investigation of a sexual harassment complaint. See back section of handbook for complaint form and Ed. Code.

## **Appendix A—Page 2**

### **Gender Identity Harassment Policy**

Gender based discrimination is another form of harassment. New Horizon School does not tolerate gender identity harassment whether it is expressed or implied. Transgender students shall be protected from discrimination and harassment at New Horizon School. Staff shall respond appropriately to ensure that all students' rights are protected and that students are free from any discrimination based on their gender identity or gender expression.

New Horizon will ensure that students who are transgender and gender nonspecific shall have a safe school environment. This includes ensuring that any incident of discrimination or harassment will be given immediate attention including investigating, taking corrective action, and providing staff with appropriate resources. The same procedures shall be followed for all types of harassment.

At school, during school sponsored activities and trips, facilities for use shall be decided by the individual depending on their gender choice. These policies are designed according to Title IX which states, "sexual discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity."

New Horizon encourages students to report any incidence of harassment to a safe person, teacher, staff member or peer. They are encouraged to fill out the harassment complaint form when appropriate. Form can be turned in to M or safe adult person. Complaints will be investigated.

**NEW HORIZON SCHOOL**  
**Appendix A2**  
**Harassment Complaint Form**

Complaints shall be filed with:

M. Campbell, New Horizon School  
827 Third Street  
Santa Rosa, CA 95404  
(707) 579-3723

From: \_\_\_\_\_

1. Identify the offending person or persons.

\_\_\_\_\_  
\_\_\_\_\_

2. Give specific examples of offensive conduct including time(s), date(s), location(s), witness(es), what happened. (Please attach additional pages if needed.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Describe the informal efforts you made to correct the situation and the results of those efforts.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your Signature \_\_\_\_\_

Date \_\_\_\_\_

Date Received \_\_\_\_\_

Received By \_\_\_\_\_

## **Appendix A3**

### **CALIFORNIA EDUCATION CODE 48900.2 – SEXUAL HARASSMENT**

A pupil may be suspended from school or recommended for expulsion if the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5.

The school recognizes that sexual harassment can cause embarrassment, feelings of powerlessness, loss of self-confidence, reduced ability to perform schoolwork, and increased absenteeism or tardiness. The school shall not tolerate the sexual harassment of any student by any other student or any school employee. Any student or employee who is found guilty of sexual harassment shall be subject to disciplinary action. The school encourages students or staff to immediately report incidences of sexual harassment to the principal or designee. The principal or designee shall promptly investigate each complaint of sexual harassment in a way that ensures the privacy of all parties concerned. In no case shall the student be required to resolve the complaint directly with the offending person.

## NEW HORIZON SCHOOL

### Appendix B

#### Locker Use Rules

1. The lockers and locks are the property of New Horizon School. Please remember to treat them with care.
2. A locker and lock will be assigned for use during a school year or whatever part of a year you attend. Lock your lockers.
3. Lockers will be assigned annually by height. Full time students will be given priority.
4. Permanent markers, paint, graffiti, stickers and other adhesives are not allowed. If you want to hang pictures/art/stickers inside your locker, they must be attached with removable sticky putty or magnets. The sticky putty is available from the secretary. Supply your own magnets.
5. The exterior of lockers is not to be marked. The idea is to have them blend with the house so walkers-by won't try to steal from them.
6. Anything hung on the inside must be tasteful and appropriate. Materials concerning sex, illegal substances or are discriminatory in any way will be removed.
7. Leave technology, backpacks and other valuables in the locker during the school day only. Bring home valuables daily. New Horizon School is **not** responsible for lost or stolen items.
8. Clean out the locker of any food, smelly stuff on a daily, weekly & quarterly basis. Make sure lockers are clean and empty prior to vacations.
9. Anything not needed for class should be left in lockers for safekeeping. That's the point of having lockers.
10. Don't use the lockers to store illegal substances—yours or anyone else's. It is legal for staff to check contents of lockers at any time.
11. Any payment for damage to lockers will be the responsibility of the person causing damage. Lockers must be left in good condition, ready for its next occupant.
12. Students will be responsible to pay for lost locks; the price includes shipping/handling.
13. Students may lose their privilege to use a locker.

**NEW HORIZON SCHOOL**  
**Appendix C**

**Van / Car / Bus Rules for Students**

1. Students may be assigned to a particular seat.  
There is no seniority seating or “dibs” on preferred seats.
2. Students must remain seated at all times when the van/car is in motion.
3. Seat belts are to be worn at all times.
4. For safety purposes, conversations and singing need to be kept within reasonable limits.
5. Hands, arms, legs and feet must be inside the van/car at all times.
6. No foul or abusive language is to be used.
7. Eating, chewing gum and drinking (except water) are **not permitted** in the van/car/bus.
8. No items may be brought aboard the van/car that could be hazardous to other passengers.  
Example—large toys, glass, straight or safety pins insects, animals (with the exception of seeing eye dogs and canine companions), plastic bags, knives, skateboards, bowling balls, weapons of any kind, irritants, perfumes and objects too large to hold safely on the lap.
9. Smoking is not permitted in van/cars/buses.
10. Fighting, pinching, hitting, biting, spitting, throwing of objects, etc. will not be permitted.
11. Vandalism to the interior or exterior of the van/car is prohibited.
12. Be courteous, respectful and follow directions of the driver at all times.

# Bus Safety



## A Tip Sheet for Parents

Parents, teach your children these few simple rules about bus safety. Make their ride a safe and happy one!

- Plan to be at the bus stop 5 minutes before the bus is scheduled to arrive. Make sure to leave home in plenty of time so you don't have to run in the street.
- Wait for the bus in a safe place, off the roadway. Avoid horseplay and always respect the privacy and property of others.
- Enter the bus in an orderly manner and take your seat.
- When entering the bus, go directly to an available or assigned seat. Remain seated and facing forward at all times while the bus is moving.
- Respect the "danger zone" a 10 foot wide area surrounding the bus on all sides. When waiting to board, remain far enough away from the bus that you can clearly see the driver's face. That's usually about 10 giant steps. Approach the bus only after the driver opens the door.
- When leaving the bus, immediately step far enough away from the danger zone so the bus driver can see you.
- Never chase a bus after it has pulled away from the bus stop. The bus driver can't necessarily see you.

- Do not allow large objects such as musical instruments or backpacks to block the aisles or emergency exits.
- Do not extend your hands, elbows or head through the windows.
- Do not throw or pass objects to someone outside the bus.
- Do not return to the bus to pick up anything you left behind. The bus driver might not see you come back to the bus. Purses, sweaters, lunch boxes and school papers can all be replaced. Children can't.....
- When the bus driver gives you directions, follow them. Remain in your seat while the bus is in motion.
- Keep the aisle clear.
- Remain quiet and orderly.
- At the end of the ride, thank the bus driver for getting you home safely.



# High School Students' Rights

## What Every Student Should Know

**S**tudents today are aware of many social issues that affect them, their schools and society in general—issues like school budgets, discrimination, pollution and war. They can speak out about these subjects because, as the U.S. Supreme Court has said, students do not “shed their Constitutional rights to freedom of speech or expression at the schoolhouse gate” (**TINKER V. DES MOINES INDEPENDENT SCHOOL DISTRICT**).

Presented here is basic information about those rights and how they can or cannot be limited by school officials. The information is based on both federal and California state law. Federal law sets the minimum standard for student free speech rights, but some states, like California, grant greater rights to students than the federal law. Because of these differences among states, you should contact your local American Civil Liberties Union office or state department of education and ask what your state education code says about students' rights.

### ✓ **YOUR RIGHT TO FREEDOM OF EXPRESSION**

**I**n California, there are special laws protecting the free speech rights of students in public and private high schools (**CALIFORNIA EDUCATION CODE**, Sections 48907 and 48950). These laws safeguard your right to:

- hand out leaflets
- express yourself in official school newspapers and yearbooks\*, and “underground” or unofficial newspapers
- circulate petitions
- conduct polls
- set up information tables
- organize clubs and sponsor speakers and activities
- post notices and posters on school bulletin boards
- organize a peaceful rally or demonstration at your school
- wear buttons, badges, insignias, patches or armbands

\* In states that don't forbid it, administrators are allowed by federal law to censor student speech in official school publications under certain circumstances (**HAZELWOOD SCHOOL DISTRICT V. KUHLEMEIR**).

### ✓ **POSSIBLE RESTRICTIONS**

**W**hen you use your free speech rights on school property, school officials can legally set some limits.

#### *Speech Content Guidelines*

School officials can legally require you to comply with the following content guidelines:

- The speech content should not contain anything “obscene,” libelous,” or “slanderous.” These terms must be defined according to current legal standards—not merely a school official’s opinion of what is obscene, libelous or slanderous.
- The content should not urge students to commit illegal acts on school premises or to violate lawful school regulations.
- The content should not be likely to cause a substantial “disruption” of the orderly operation of the school—as would, for example, a leaflet urging a student strike or class boycott. Note: Creating controversy is not disruptive by itself. Furthermore, a violent threat from someone who disagrees with you is not legal justification for censoring you, unless your words were designed to deliberately provoke a fight. The school is obligated to protect your right of free expression as long as you are not disrupting the school. Also, school officials cannot forbid all speech dealing with controversial topics or all speech dealing with a particular issue, unless it can be shown that it would cause a substantial disruption of the school.

### ***Time, Place and Manner Guidelines***

In addition to rules about content, the law allows some limits on when and where you can express yourself:

- Students passing out materials should not block halls or entrances so other students can’t get where they are going.
- Leaflets and petitions should not be circulated in a way that would disrupt the normal functioning of the school. For example, doing it during class without the teacher’s permission might be considered disruptive.
- If a school has a reasonable rule about when and where students can distribute material, it should be followed. However, if you feel it is too restrictive, you may want to get legal advice and challenge the rule.
- School officials cannot stop you from handing out leaflets because some people drop them on the ground. Otherwise, people could drop them on purpose just to silence you.
- In general, you should distribute literature during lunch, before or after school, and in a place where you won’t be blocking people or causing a substantial disruption of the school.

### **✓ CLUBS AND ACTIVITIES**

**Y**ou have the same right to organize a club or student association as any other student. Your club may want to distribute leaflets, sponsor speakers, set up information tables at school, circulate petitions, or organize the same kind of activities as other student groups. You cannot be denied permission to do these activities, even if they are political or controversial, as long as you don’t violate content and time, place and manner rules.

You have the right to have a peaceful rally or demonstration at your school—it’s considered free speech. Your school can only stop this if it would disrupt classes or the orderly operation of the school.

The law is unclear about collecting money at school for literature or political causes. Officially recognized clubs or student associations may have more freedom to do this than individual students or unofficial groups.

## ✓ **SUBMITTING MATERIALS AHEAD OF TIME**

**S**chool officials might ask to see your literature ahead of time and ask when and where you wish to distribute the material. This gives them the opportunity to warn you right away if they believe it would violate any of the guidelines mentioned above. In California, the law does not require that you get their permission before handing out any material, unless it is an official school publication (see "Prior Restraint" below).

## ✓ **PRIOR RESTRAINT**

**I**n California, school officials can stop you ahead of time from distributing material prepared for official school publications, but only if it violates the content or time, place and manner guidelines described above (schools in other states may have stricter rules than this). "Official school publications" means material produced in journalism or writing classes, or for the school newspaper or yearbook. Other material, like an "underground" or unofficial newspaper, is not subject to prior restraint.

If your principal believes the material you prepared for an official school publication violates the content or time, place and manner rules, he or she is supposed to warn you as soon as possible that you could be disciplined if you distribute the material. You cannot be stopped simply because school officials don't like what you are saying, or because you may create controversy.

## ✓ **WHAT TO DO IF YOUR FREE SPEECH RIGHTS ARE BEING VIOLATED**

**S**tudents who are told they can't distribute material or engage in other activities outlined in this pamphlet should ask to see the school district's policy on students' First Amendment rights. The principal's office should have a copy. Often, just getting the principal to read it will be enough to change his or her mind. If it doesn't, appealing to the school district office will sometimes help. However, you may still be given rules that are stricter than the guidelines described here. In that case, you may want to get advice from a local chapter of the American Civil Liberties Union or National Lawyers Guild.

If you feel the policy restricting your activity is unjust, you may choose to go ahead and conduct your activity anyway. You should be aware that this form of civil disobedience has possible penalties and should find out what the consequences could be in advance. Consequences may include suspension, expulsion, or even prosecution on a criminal charge. Be sure to consult with local civil liberties groups ahead of time.

## ✓ **SOME OTHER RIGHTS YOU SHOULD KNOW ABOUT**

### *Freedom from Discrimination*

**D**iscrimination on the basis of gender in schools is against federal law (Title IX of the **CIVIL RIGHTS ACT**) and many state laws (for example, **CALIFORNIA EDUCATION CODE**, Section 40). Discrimination by a school system or by school officials on the basis of race or national origin is against the U.S. Constitution. Some state laws and the federal Rehabilitation Act of 1973 prevent school systems from denying access to educational services on the basis of a disability. Also, some school districts now prohibit discrimination on the basis of sexual orientation.

### *Access to Student Records*

**T**he federal Family Educational Rights and Privacy Act grants parents of students (and students themselves who are 18 or over) the right to examine their children's school records. A student

under 18 can see his or her records if the parent gives written permission or if the school decides on its own to give the student access.

Schools may give school records to outsiders if there is a lawful court order and they make a reasonable effort to contact the parent beforehand.

School districts can choose to release your name, address, and other basic information (not including grades) to certain types of nonschool groups—like military recruiters, the news media, and PTAs. This information is called “student directory information.” Schools can release directory information without your permission, unless your parents (or you, if you are 18 or over) ask that the information not be released. They must notify you of this right to “opt out.” Usually this is done at the beginning of each school year.

### **FOR MORE INFORMATION**

You may want to contact your school office or school district headquarters to get local policies regarding:

- student free speech rights and controversial issues in the classroom
- access to student records
- grievance procedures in cases of discrimination

For more information about students’ rights, contact:

#### **AMERICAN CIVIL LIBERTIES UNION**

[www.aclu.org](http://www.aclu.org)  
125 Broad Street, 18th Floor  
New York, New York 10004-2400  
(212) 549-2500

#### **STUDENT PRESS LAW CENTER**

[www.splc.org](http://www.splc.org)  
1815 N. Fort Myer Drive, Suite 900 , Arlington, VA 22209  
(703-807-1904)

#### **NATIONAL LAWYERS GUILD**

[www.nlg.org](http://www.nlg.org)  
143 Madison Ave., 4th Floor, New York, NY 10016  
(212) 679-5100

This brochure was prepared by the Committee Opposed to Militarism and the Draft (COMD), PO Box 15195, San Diego, CA 92175, (619) 265-1369; [www.comdsd.org](http://www.comdsd.org).

Information sources include:

#### **California Education Code**

*We Have Rights, Too*, ACLU of Northern California  
*The Rights of Students*, National ACLU

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# HIGH SCHOOL Top 10

The ten questions high school student journalists most frequently ask about their rights



**Q** Do high school students have First Amendment rights?

**A** Yes. As the United States Supreme Court said in 1969, “It can hardly be argued that either students or teachers shed their constitutional right to freedom of speech at the schoolhouse gate.” But the First Amendment prohibits only *government officials* from suppressing speech; it does not prevent school censorship at private schools. A state constitution, statute or school policy could provide private school students with free speech protections.

**Q** What about the *Hazelwood* decision?

**A** *Hazelwood School District v. Kuhlmeier*, the 1988 U.S. Supreme Court decision, gave public high school officials greater authority to censor some school-sponsored student publications if they choose to do so. But the ruling doesn’t apply to publications that have been opened as “public forums for student expression.” It also requires school officials to demonstrate some reasonable educational justification before they can censor anything. In addition, some states (Arkansas, California, Colorado, Iowa, Kansas, Oregon and Massachusetts) have passed laws that give students stronger free expression protection than *Hazelwood*. Other states are considering such laws.

**Q** What is a “public forum for student expression”?

**A** A student publication is a public forum for student expression when school officials have given student editors the authority to make their own content decisions. A school can do that either through an official policy or by simply allowing a publication to operate with editorial independence.

**Q** So if policy or practice indicates the content of my publication is determined by students, the *Hazelwood* decision doesn’t apply to me?

**A** That’s right. If a student publication is a public forum for student expression, then students are entitled to stronger First Amendment protection. School officials are allowed to censor forum publications only when they can show the publication will cause a “material and substantial disruption” of school activities.

**Q** What about underground or independent student publications? Are they protected from censorship?

**A** Absolutely. Although public schools can establish reasonable restrictions as to the time, place and manner of distribution of underground publications, they cannot absolutely forbid their distribution on school grounds. Like school-sponsored publications that are forums, a school must show substantial disruption before they can censor an independent publication.

**Q** ■ **Am I in danger of getting sued for defamation or invasion of privacy?**

**A** ■ Very rarely, but it can happen, and it's important to observe professional standards if you want your work to be taken seriously. You can't be liable for defamation if you just publish a critical opinion about someone or reveal an unpleasant truth. But if you make a false accusation of fact (even one implied in an "opinion" column), then you may have committed defamation. Invasion of privacy occurs when a publication publicizes embarrassing personal information without consent and with no newsworthy justification, such as gossip about a teacher's marital problems. It can also happen if you mislabel a photo so that it gives a false impression that harms a person's reputation ("false light").

**Q** ■ **Can we publish students' names and photos online?**

**A** ■ Despite what many schools seem to think, no federal privacy law requires a student publication to withhold student information from the Internet or get advance written parental consent (though two states, New Jersey and Maine, appear to do so). If you're told there is such a ban, ask to see the school district policy in writing – and if the policy applies only to sites hosted on a school server (many do), see if you can get your news site hosted on a third-party server like My.hsj.org.

**Q** ■ **Can I use Freedom of Information laws?**

**A** ■ Yes. Freedom of Information, or "sunshine" laws, require government agencies such as public schools to open many of their official records and meetings to the public. These laws vary from state to state. Every newsroom should have a copy of the state's open records and open meetings laws – a great state-by-state guide is available on the Reporters' Committee for Freedom of the Press website, [www.rcfp.org](http://www.rcfp.org).

**Q** ■ **Can I use cartoon characters, song lyrics or a theme from a popular magazine in my publication?**

**A** ■ In most cases, only when you have obtained the permission of the copyright holder. Each of these works is protected by copyright law, which means others can use them only if they have obtained permission. Publishing a credit line does not take the place of permission. There is an exception to copyright law called "fair use" that can apply if you are only using a small amount of a copyrighted work in a way that does not substitute for viewing (or buying) the original.

**Q** ■ **Am I allowed to re-use photos from Facebook, or Myspace, or videos from YouTube?**

**A** ■ It all depends on what you're using them for. It's safest if you are critiquing the material – such as a "funniest videos" highlight segment on a broadcast, where you're adding your own commentary, or if you're making a parody or a mash-up that just "samples" other people's material as an ingredient in a brand-new creative work. The danger goes up with the commercial value of what you're using, so an AP photo published in a celebrity magazine is much riskier than an amateur Facebook photo.



For more information about your rights and responsibilities as a student journalist, contact the Student Press Law Center  
703.807.1904 [spic@spic.org](mailto:spic@spic.org) [www.spic.org](http://www.spic.org)

**NEW HORIZON SCHOOL  
APPENDIX E1**

**Student's Rights to Confidential Conversations  
with IEP Team Members**

It is the policy of the New Horizon School, in accordance with applicable laws, to recognize each student's rights to have an entirely confidential conversation with any member of his/her IEP team at any time during the IEP cycle. Any New Horizon School student may request, either privately or through a parent, a confidential meeting with any member of his/her IEP team. New Horizon students (or their parents on the student's behalf) may request such a meeting from the school director or directly with the team member.

The contents of any meeting convened by the student with a member of their IEP team will be kept in confidence by the team member. The student may convene such a meeting at any time and for any purpose. The confidentiality of the contents of such meetings is limited in that any reasonable suspicion of child, elder, or dependent abuse or imminent danger to self or others will be reported to the appropriate parties.

Any questions regarding this policy should be directed to the New Horizon School Director or your child's school district representative. See procedures for self-advocacy provided in student/parent handbook.

**NEW HORIZON SCHOOL**  
**Appendix E2**

**Special Education Rights and Information for Students**

Questionnaire:

1. How has special education law changed since I began school? In the past five years?
2. Will students have to pass an exit exam to receive a diploma?
3. Are students allowed to use calculators, spell checks or other aids? Extended time?
4. What is the relationship between NCLB and special ed law? Which law trumps the other one?
5. What is the difference between Special Ed and 504? What is 504?
6. How often do I have to be tested to prove eligibility for Special Ed or 504 services? How about for college? Will I have to be tested before I go to get services? While I am there? If I leave and then return years later? How does this work? Who pays for the testing?
7. Why do I have to attend my IEP? Am I supposed to help write my goals? Do I have to know what my goals are? What if I don't meet all my goals?
8. What is an ITP? Do I have to write goals for that? What if I don't know what I want to do after high school?
9. Do I have to follow what the goals say on my IEP or ITP? Can I change the goals if I don't agree or don't agree anymore?
10. If I am failing my classes in high school, can I get them changed? Is there tutoring available? Do my parents have to pay for it if I am a 504 or Spec Ed student? Would I have to pay for them if I am over 18 years old?
11. Are RSP classes or Special Day Classes counted toward a diploma? Would I have to take those classes over in a regular class to get the right kind of credits to be eligible for a diploma?
12. Why do the people in the IEP meetings tell us or our parents that we can't get a diploma if we are behind in our skills but never really been helped? This happens even in the 9<sup>th</sup> grade. Is that right? Can we say no, we want help and we want a diploma?
13. What makes me eligible for special education or not eligible? Would that ever change one way or another? What happens when I turn 18 or 22? What is the difference?
14. What happens if I am Special Ed or 504 and I have disciplinary problems at school? Do I have special rights? What if I did something without thinking that got me in trouble?

# NEW HORIZON SCHOOL

## Appendix F

### Suspension and Expulsion Policy and Procedures

- New Horizon School is not an appropriate placement for students with behavioral or emotional disturbances/disorders that would require a behaviorally based or more restrictive environment to control or mitigate such issues. That being said, there are circumstances in which students may be suspended or expelled from New Horizon School.
- New Horizon School will suspend students from school when other means of affecting behavior change has been ineffective or if the offense requires suspension as provided for in *California Ed Code Section 48900*. When a student's presence on campus causes a danger to others, a danger to property of those on campus or threatens to disrupt the instructional process, a student may be suspended. Suspensions shall not exceed 5 consecutive days.
- For funded students an IEP meeting may be called to determine if the student requires a Behavioral Plan, Behavioral Goals, or a different placement. If the student is unable to return to school after the suspension because of continued inappropriate behaviors, a temporary placement outside of the school environment may be deemed more appropriate while a more restrictive or behaviorally based placement is found. *All Sonoma County SELPA Master Contract requirements will be followed*. Funded students may not be expelled by New Horizon but may go through the expulsion process through the funding LEA. However, New Horizon School has the right to terminate IEP with cause by submitting written 20-day notice to district.
- Students who are not funded by LEA's who engage in these behaviors may be suspended or expelled at the discretion of the Director.

### Suspension from Class or Activity by Teacher:

- A teacher may suspend a student from class for any of the offenses listed in *Ed Code Section 48900* for a period of the day of the suspension and the following school day.

### Procedure for School Suspension by Teachers:

- The teacher will immediately report the suspension to the Director of New Horizon School or Designee and send the student to the Director for appropriate action. If the action requires the student to remain onsite, the student will be appropriately supervised by staff. Parents will be notified and documentation of the incident will be made. The student will have an opportunity to respond and/explain what occurred.
- The teacher will request a parent-teacher meeting to be held as soon as possible to discuss the suspension. The student and/or the Director may be invited to attend. The student will not return to class before the suspension is served unless the class teacher and Director agree. The student will be responsible to make up any missed assignments.

### Procedure for School Suspensions by Director or Designee:

- An informal conference of the director, student and if possible, the teacher and/or staff involved will be held unless the situation is deemed an 'emergency situation' (clear and present danger to life, safety, or health of students or school personnel\*).
- The student will be told the reason for the suspension or disciplinary action. Any evidence will be shared with the student.
- The student will be given an opportunity to present his/her version of the incident with any evidence in his/her defense.

\*In the event of an emergency situation the parent and the student will be given the right to a conference within 2 school days unless the student waives his rights or is unable to do so. Local law enforcement or medical support may be requested as needed.

- At the time of suspension, the parent /guardian/district if funded will be informed. If the parent is not reached immediately or if unavailable to pick up the student, the student will remain on campus, under supervised in-house suspension until he/she can be picked up by parent or designee.
- Notification will also be sent in writing (may be email) to the parent/guardian within 24 hours. If the student is funded, the LEA and SELPA will be sent appropriate documentation (Exh M) within 24 hours.
- Documentation will also be kept in confidential student file.
- An IEP meeting may be called.
- Students are required to keep up with school assignments and given the opportunity to take class tests if missed during the suspension.
- If appropriate, local police agencies will be notified.

The Director's Designee will be a fully certified, credentialed teacher designated annually by the Director to serve as the Designee (or 2<sup>nd</sup> Designee if both Director and Designee are off campus). Written notice regarding the Designees is kept in the Director's office and a copy is kept by the Administrative Secretary.

## **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 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 program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary on the last page of this notification.

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

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

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

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

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

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

IDEA is a federal law that requires school districts to provide a "free appropriate public education" (in English, referred to as FAPE) to eligible children with disabilities. A free appropriate public education means that special education and related services are to be provided as described in an individualized education program (in English, known as IEP) and under public supervision to your child at no cost to you.

#### **May I participate in decisions about my child's education?**

You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child's FAPE. (20 USC 1414[d] [1]B-[d][1][D]; 34 CFR 300.321; EC 56341[b], 56343[c])

The parent or guardian, or the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does

not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

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

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

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

### **What if my child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?**

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf. Such programs are offered to students aged five through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of Education (CDE) Web site at <http://www.cde.ca.gov/sp/ss/> or ask for more information from the members of your child's IEP team.

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

### **Prior Written Notice**

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

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education. (20 USC 1415[b][3] and (4), 1415[c][1], 1414[b][1]; 34 CFR 300.503; EC 56329 and 56506[a])

The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan within fifteen (15) days of your written request for evaluation. The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 CFR 300.304; EC 56321)

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

The Prior Written Notice must include the following:

1. A description of the actions proposed or refused by the school district
2. An explanation of why the action was proposed or refused
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused
4. A statement that parents of a child with a disability have protection under the procedural safeguards
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part
6. A description of other options that the IEP team considered and the reasons those options were rejected; and
7. A description of any other factors relevant to the action proposed or refused. (20 *USC* 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 *CFR* 300.503)

## **Parental Consent**

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

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

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

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

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

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

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

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

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

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 *USC* 1414[a][1][D] and 1414[c]; 34 *CFR* 300.300; *EC* 56506[e], 56321[c] and [d], and 56346).

## **When may I revoke consent?**

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 *CFR* Section 300.503 before ceasing such services
2. May not use the procedures in subpart E of Part 300 34 *CFR* (including the mediation procedures under 34 *CFR* Section 300.506 or the due process procedures under 34 *CFR* Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services
4. Is not required to convene an IEP team meeting or develop an IEP under 34 *CFR* Sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 *CFR* Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

## **Surrogate Parent Appointment**

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

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 *USC* 1415[b][2] ; 34 *CFR* 300.519; *EC* 56050; *GC* 7579.5 and 7579.6)

## **Nondiscriminatory Assessment**

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

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 USC 1414[b][1]–[3], 1412[a][6][B]; 34 CFR 300.304; EC 56001[j] and 56320)

## **Independent Educational Assessments**

### **May my child be tested independently at the district's expense?**

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.

If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 USC 1415[b][1] and [d][2][A]; 34 CFR 300.502; EC 56329[b] and [c])

## **Access to Educational Records**

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

You have a right to inspect and review all of your child's education records without unnecessary delay, including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five (5) **business** days after the request has been made orally or in writing. (*EC* 49060, 56043[n], 56501[b][3], and 56504)

## **How Disputes Are Resolved**

### **Due Process Hearing**

#### **When is a due process hearing available?**

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (*20 USC* 1415[b][6]; *34 CFR* 300.507; *EC* 56501 and 56505[1])

### **Mediation and Alternative Dispute Resolution**

#### **May I request mediation or an alternative way to resolve the dispute?**

A request for mediation may be made either before or after a request for a due process hearing is made.

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

#### **What is a pre-hearing mediation conference?**

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a nonadversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by nonattorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent. The party initiating a prehearing mediation conference by filing a written request with the Superintendent shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within fifteen (15) days of receipt by the Superintendent of the request for mediation and shall be completed within thirty (30) days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (*EC 56500.3 and 56503*)

## Due Process Rights

### What are my due process rights?

You have a right to:

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (*20 USC 1415[f][1][A], 1415[f][3][A]-[D]; 34 CFR 300.511; EC 56501[b][4]*)
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (*EC 56505 [e][1]*)
3. Present evidence, written arguments, and oral arguments (*EC 56505[e][2]*)
4. Confront, cross-examine, and require witnesses to be present (*EC 56505[e][3]*)
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (*EC 56505[e][4]*)
6. Have your child present at the hearing (*EC 56501[c][1]*)
7. Have the hearing be open or closed to the public (*EC 56501[c][2]*)
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five (5) business days before a hearing (*EC 56505[e][7] and 56043[v]*)
9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (*EC 56505[e][6]*)
10. Have an interpreter provided (*CCR 3082[d]*)
11. Request an extension of the hearing timeline (*EC 56505[f][3]*)
12. Have a mediation conference at any point during the due process hearing (*EC 56501[b][2]*), and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (*EC 56507[a]*). (*20 USC 1415[e]; 34 CFR 300.506, 300.508, 300.512 and 300.515*)

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

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

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child
2. Address of the residence of the child
3. Name of the school the child is attending
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s)

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 USC 1415[b][7], 1415[c][2]; 34 CFR 300.508; EC 56502[c][1])

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 USC 1415[f][1][B]; 34 CFR 300.510)

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

Resolution sessions shall be convened within fifteen (15) days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 USC 1415[f][1][B]; 34 CFR 300.510)

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

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission of your child to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 USC 1415[j]; 34 CFR 300.518; EC 56505[d])

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

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

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

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517; EC 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that you unreasonably delayed the final resolution of the controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience
3. The time spent and legal services provided were excessive, or
4. Your attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

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

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

Office of Administrative Hearings  
Attention: Special Education Division  
2349 Gateway Oaks Drive, Suite 200  
Sacramento, CA 95833-4231  
(916) 263-0880  
FAX (916) 263-0890

## **School Discipline and Placement Procedures for Students with Disabilities**

### **School Discipline and Alternative Interim Educational Settings**

#### **May my child be suspended or expelled?**

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- ❖ An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days, and
- ❖ Additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct

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

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

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

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

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

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

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 USC 1415[k][2]; 34 CFR 300.531[c])

Regardless of the setting the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 CFR 300.530; EC 48915.5[b])

## Children Attending Private School

### **May students who are parentally placed in private schools participate in publicly funded special education programs?**

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 USC 1415[a][10][A]; 34 CFR 300.137 and 300.138; EC 56173)

If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the school district enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56175)

### **When may reimbursement be reduced or denied?**

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- ❖ At the most recent IEP team meeting you attended before removing your child from the public school, or
- ❖ In writing to the school district at least ten (10) business days (including holidays) before removing your child from the public school. (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56176)

### **When may reimbursement not be reduced or denied?**

A court or hearing officer must not reduce or deny reimbursement to you if you failed to provide written notice to the school district for any of the following reasons:

- ❖ The school prevented you from providing notice
- ❖ You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district
- ❖ Providing notice would likely have resulted in physical harm to your child
- ❖ Illiteracy and inability to write in English prevented you from providing notice, or

❖ Providing notice would likely have resulted in serious emotional harm to your child  
(20 USC 1412[a] [10] [C]; 34 CFR 300.148; EC 56177)

## **State Complaint Procedures**

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

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 CFR 300.151–153; 5 CCR 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education  
Special Education Division  
Procedural Safeguards Referral Service  
1430 N Street, Suite 2401  
Sacramento, CA 95814

For complaints involving issues **not** covered by federal or state special education laws or regulations, consult your district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone at (800) 926-0648; by fax at 916-327-3704; or by visiting the CDE Web site at <http://www.cde.ca.gov/sp/se>.

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

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

**District Contact Information**

Please contact the Special Education Administrator at the phone number listed below for 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

<u>District</u>	<u>Special Ed Phone</u>	<u>District</u>	<u>Special Ed Phone</u>
Bayshore Elementary	(415) 467-5443	Pacifica Schools	(650) 738-6606
Belmont-Redwood Shores	(650) 637-4800	Portola Valley Elementary	(650) 851-1777 x2232
Brisbane Elementary	(415) 467-0550	Ravenswood City	(650) 329-2800 x60142
Burlingame Elementary	(650) 259-3807	Redwood City Elementary	(650) 423-2243
Cabrillo Unified	(650) 712-7104	San Bruno Park	(650) 624-3114
Hillsborough City	(650) 548-2321	San Carlos Elementary	(650) 508-7333
Jefferson Elementary	(650) 746-2701	San Mateo-Foster City	(650) 312-7337
Jefferson Union High	(650) 550-7945	San Mateo Union High	(650) 558-2260
La Honda-Pescadero	(650) 747-0051	Sequoia Union High	(650) 369-1411 x2242
Las Lomas Elementary	(650) 854-1215 x23	South San Francisco Unified	(650) 877-8720
Menlo Park City	(650) 321-7140 x5610	Stanford Schools Corporation	(650) 329-2811
Millbrae Elementary	(650) 697-5693 x20	Summit Preparatory	(650) 556-110

**County Office**

San Mateo County Office of Education

Special Education Office (650) 802-5460

If you need additional assistance beyond your Local District/County Office or wish general information regarding Special Education program and services within the San Mateo County Special Education Local Plan Area (SELPA), you may contact SELPA at (650) 802-5464, or visit the SELPA website at <http://www.smcoe.k12.ca.us/selpa>.

## THE ALTERNATIVE DISPUTE RESOLUTION PROCESS

1. When a call for assistance is left on the ADR Helpline (707) 524-2785, an ADR-trained SELPA program specialist will respond to the phone call within 48 hours (response time will be longer on weekends and holidays). The program specialist will listen to the concerns and help identify key issues and interests. Information about special education laws and practices may be provided, if relevant, and a referral may be made to others who can appropriately work with the issues.
2. The program specialist will explain how the ADR program and its components work, then determine the best option for resolution.
3. If Phone Mediation is determined to be the best option, the program specialist will coordinate communication between the parties and facilitate resolution through this communication. The majority of ADR cases start at this level of intervention.
4. If IEP Facilitation is determined to be the best option, the program specialist will assign a case-carrier to proceed with the case.
5. If the Independent Child Advocate is determined to be the best option, the program specialist will have the Advocate contact the party directly.
6. If Local Mediation is considered the best option, the program specialist will mediate the parties' concerns. When a mediation agreement is reached, the details are put into an agreement form and signed by everyone involved.



### SONOMA COUNTY SELPA

*Alternative Dispute Resolution Program*

5340 Skylane Boulevard, Santa Rosa, CA 95403

*If you have a disagreement  
involving a child with disabilities,  
Alternative Dispute Resolution  
may be the solution.*

**ALTERNATIVE  
DISPUTE  
RESOLUTION**

*"ADR is a great process for  
bringing together schools and  
families. We wholeheartedly  
endorse this program."*

Sonoma County SELPA  
Community Advisory Committee (CAC)

**ADR HELPLINE ■ (707) 524-2785**



### SONOMA COUNTY SELPA

5340 Skylane Boulevard  
Santa Rosa, CA 95403  
(707) 524-2750

# WHAT IS ALTERNATIVE DISPUTE RESOLUTION?

*Alternative Dispute Resolution, or ADR, is a process for resolving conflicts, one that respects the dignity of individuals while creating mutually satisfying solutions. ADR uses communication, collaboration, negotiation, and mediation to produce an agreement that meets the interests of the parties involved. When participating in Alternative Dispute Resolution, parents and districts maintain the right to seek state-level due process.*

*The Sonoma County SELPA will facilitate an Alternative Dispute Resolution process to help resolve conflicts between schools and families with children in special education. The program serves the families of all children in special education within Sonoma County. Major components of the program include:*

- **PHONE MEDIATION**  
Phone mediation is the first level of response that the ADR team employs. Following the identification of the parties' issues and interests, the ADR case-carrier will coordinate communication between the parties and facilitate resolution over the telephone.
- **IEP FACILITATION**  
Parents or school staff may request that an ADR-trained SELPA program specialist facilitate an IEP meeting if the meeting is expected to be difficult. The facilitator uses specific techniques designed to assist the parties in completing the IEP while maintaining good relationships.
- **INDEPENDENT CHILD ADVOCATE**  
The Independent Child Advocate is a neutral ombudsperson trained in ADR. The Advocate is assigned to difficult cases where relationships are at risk and communication is limited. The Advocate is knowledgeable about special education law and programs.
- **LOCAL MEDIATION AND RESOLUTION SESSIONS**  
Both Local Mediation and Resolution Sessions use an effective problem-solving method that allows parties in dispute to reach a mutually agreeable solution. It is a safe, low-pressure process guided by a trained mediator. Local Mediation or participation in Resolution Sessions does not prevent either party from pursuing state-level mediation if the parties are not satisfied with the result.

*It's an idea whose time has come*

## WHY CHOOSE ADR?

The Alternative Dispute Resolution process was developed in response to the growing need for a better way for families and schools to resolve their differences around special education. The process is:

- **SATISFYING**  
Alternative Dispute Resolution uses neutral intervention and support to assist the two parties in reaching a mutually agreeable solution. A safe, collaborative working relationship is developed and supported, building trust between the parties.
- **COST-EFFECTIVE**  
As opposed to due process, ADR options have no cost. Alternative Dispute Resolution does not involve the use of attorneys.
- **FAST AND EFFICIENT**  
The ADR process is initiated within 48 hours of the initial contact (except on weekends and holidays). This is considerably faster than the 45-day timeline for state-level due process.
- **CONFIDENTIAL**  
All information shared or collected through the ADR process is held confidential unless both parties agree to release it.
- **RESULTS-ORIENTED**  
ADR options may result in mutually acceptable verbal or written agreements if the parties choose to have them.

**If my child will still be in special education for a number of years, what happens when she reaches the age of 18? Will she begin to make decisions regarding the IEP, or will I continue to be the decision-maker for educational purposes?\***

When a student reaches the age of 18, all educational decision-making authority transfers from the parent to the student, unless the student has been determined incompetent under California law. The school district must notify both you and your child of the transfer of rights and must provide a notice of procedural safeguards to both the student and parent. [Cal. Ed. Code Sec. 56041.5.] Some school districts have taken the position that this law means that a parent must obtain a conservatorship over her 18-year-old child in order to continue to act on the child's behalf in the special education process. Some school districts have taken the position that without a conservatorship, special education services cannot continue. Unless the child begins to act on her own behalf in the special education process by calling for IEP meetings and signing IEP documents, etc., they believe that no one with the necessary authority is requesting and consenting to continuing services. Section 56041.5 should not have the effect of terminating special education services for students who reach the age of majority, and it should not require extreme and expensive procedures such as the establishment of a conservatorship. Because a student who reaches the age of 18 and who has not been determined incompetent by any court has both the legal authority and capacity to make all necessary educational decisions, he is clearly capable of assigning educational decision-making authority to one or both parents, if he/she chooses to do so. See the *Sample Assignment of Educational Decision-Making Authority* form.

\*Taken from Special Education Rights and Responsibilities, Chapter 10, Information on Transition Services including Vocational Education

<http://www.disabilityrightsca.org/pubs/505001.htm>

ASSIGNMENT OF EDUCATIONAL  
DECISION-MAKING AUTHORITY

California Education Code Section 56041.5

I, \_\_\_\_\_, having reached the age of 18 years, having never been determined to be incompetent for any purpose by a court of competent jurisdiction, and having received, at the age of majority, all educational decision-making authority pursuant to California Education Code Section 56041.5, hereby authorize my parent, \_\_\_\_\_, to make any and all decisions for me regarding my entitlement to a Free Appropriate Public Special Education. Such authority shall include, but is not limited to:

1. Filing complaints with any public agency, such as the California Department of Education and U.S. Department of Education, Office for Civil Rights;
2. Initiating and pursuing special education due process proceedings pursuant to Cal. Education Code Sec. 56500, et seq. and any judicial appeals thereof;
3. Attending IEP meetings and due process mediations and pre-due process mediations and signing IEP documents and mediation agreements with the same legal effect and authority as I would have absent this assignment;
4. Authorizing or refusing to authorize assessments, services, or placements;
5. Obtaining copies of any of my educational, psychological, medical, behavioral, or juvenile justice records, or any other materials and information related in any way to my special education, related services, supplementary aids and services, or transition services;
6. Receiving information orally from any individual or agency (public or private) regarding my special education rights or services;
7. Exercising any other right or action on my behalf concerning my education with the same authority as I would have absent this assignment.

A photocopy or facsimile of this document shall have the same effect as the original.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

## OK to Attend

Children with the following conditions do not have to be excluded from school, if they feel well enough to participate in regular activities.

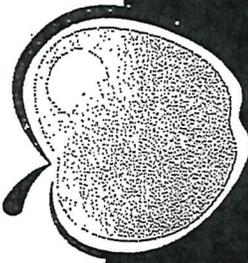
- Canker sores
- Fifth disease
- Chronic Hepatitis B or C
- HIV infection
- Colds or coughs without fever or other signs of illness
- Mononucleosis (PE and sports exclusions may apply)
- MRSA, if child is only a carrier
- Cold sores
- Pinworms
- Group
- Rash without fever or behavior change
- Roseola, once the fever is gone
- Thrush
- Urinary tract infection
- Warts, including molluscum contagiosum
- Yeast diaper rash
- Diseases spread by ticks: babesiosis, ehrlichiosis, Lyme disease, Rocky Mountain spotted fever, tularemia
- Ear infection

## Help your child stay healthy and ready to learn.

We hope that your child never has to miss school because of illness. You can help prevent many illnesses by making sure your child receives all recommended immunizations and washes his or her hands often.

Updated January 31, 2015

# Should I Keep My Sick Child Home from School?



*If you think that your child has an illness that can be spread to others, please keep him or her home from school or childcare and call your health care provider.*

## Dear Parents:

If your child gets a contagious illness, you may be required to keep her home from school until the illness is no longer a danger to others. You'll find a list of contagious illnesses on the S.C. School and Childcare Exclusion List inside this brochure. As you'll see, for some illnesses, your child will need to provide a parent note or a medical note clearing him or her to return to school.

The information in this brochure applies to:

- Most students in 1st through 12th grades.
- Some school-aged children with special health care needs and/or certain developmental delays. Your child's school will let you know if the exclusion guidelines for younger children apply to your medically fragile child.

You can also find the School Exclusion List on the DHEC website at: [www.scdhec.gov/Health/ChildTeenHealth/SchoolExclusion](http://www.scdhec.gov/Health/ChildTeenHealth/SchoolExclusion)

Questions? Contact your child's school or childcare provider or your local public health department.

## Questions to Consider When Your Child is Sick:

1. Does your child's illness keep him/her from comfortably taking part in activities?  Y  N
2. Does your sick child need more care than the staff can give without affecting the health and safety of other children?  Y  N
3. Could other children get sick from being near your child?  Y  N

If the answer to any of these questions is "Yes," please keep your child out of school.

## Frequently Asked Questions

When should my sick child stay home from school? If your child feels too sick to go to school or has one of the illnesses listed inside this brochure, keep him home.

Does my child need to stay home when she just has a cold?

Many children with mild colds who have no fever and who feel well enough to go to school or childcare do not need to stay home. Most colds spread in the 1-3 days before a child gets a runny nose, cough or other symptoms.

Does my child need to be out of school if she has pinkeye?

No, not unless your health care provider recommends it or the child has a fever or pain. Pinkeye is similar to the common cold in that it can be spread to others but usually clears up without medicine. Frequent, good hand washing is the best way to keep your child from spreading pinkeye.

How long will my child need to stay home if he is sick? It depends. See the inside of this brochure for illness-specific information.

Would my child ever be required to stay out of school for reasons other than her own illness?

If your child is ever exposed to a vaccine-preventable disease (such as measles), she may be asked to stay home from school. Your school or DHEC will discuss this with you.

If my child is excluded from attending school, what will he need to present in order to return to school?

Sometimes a parent note or a medical note clearing your child for return to school/childcare is required. See inside this brochure for details.

Could an illness prevent my child from participating in sports and other school-related activities?

Some illnesses or conditions spread by close contact – lice, scabies, shingles, staph or strep skin infections, for instance – may prevent your child from participating in some sports or physical activities. If your child has mononucleosis or CMV, she may be told she can't participate in physical education or sports in order to avoid injuries. If your child has diarrhea, she should not participate in water activities like swimming, splash pads, or water tables until 2 weeks after the diarrhea stops.

## School and Childcare Exclusion List: A Quick Reference for Parents

**P** A parent note is required for return.  
**M** A medical note clearing your child for return to school/childcare is required.

**Chicken Pox / Varicella:**  
 Your child may return to school once all of the sores and blisters are dried and scabbed over. If there are no scabs, your child may return after no new sores appear for 24 hours.

**Diarrhea:**  
 Students in 1st through 5th grades should stay home until diarrhea stops for 24 hours, or until a doctor clears the child to return to school. Your child can return with a parent note.

Older children in 6th through 12th grades with diarrhea do not have to stay home, unless they are spreading illness in the school setting; they have diarrhea with blood or mucus, or they have diarrhea from one of the contagious conditions listed below.

**Special Circumstances:**  
**Blood or mucus in stool with diarrhea.**

If your student can use the restroom or can contain his stool in diaper-type underwear, he does not have to remain home. If the diarrhea is known to be from a non-contagious condition or if the diarrhea continues after he completes antibiotics for a diarrhea-causing illness.

If your child is medically fragile or needs help with using the bathroom she may need to be out of school if an illness or condition makes it hard for caretakers to keep the classroom clean.

**Diarrhea from a diagnosed infection:**

- Campylobacter, Cryptosporidium, giardia, norovirus, rotavirus, and most types of salmonella** – Your child may return to school after diarrhea stops for 24 hours.

**E. coli** – For the most severe type of E. coli, students must be out of school until the diarrhea stops and 2 lab tests taken at least 24 hours apart test negative for E. coli O157:H7.

**Salmonella Typhi (Typhoid fever)** – If your child has Typhoid fever, she must be out of school until the diarrhea stops and 3 lab tests

taken at least 24 hours apart test negative for Salmonella Typhi.

**Shigella** - Students who can wash their hands well and use the bathroom on their own may come back to school when the diarrhea stops for at least 24 hours. Some students may need a lab test to return to class.

**Fever:**

**Fever by itself:**  
 Keep your child home if she has a fever of 101°F or higher (if taken by mouth), or 100° F or higher if taken under the arm. Once her fever is gone, your child can return to school.

**Fever with Rash, Behavior Change or Other Symptoms:**

Keep your child home and take him to a doctor or clinic if he has fever with other signs of severe illness such as a rash, change in behavior, earache, vomiting, confusion, sore throat, or irritability.

**Flu/Influenza or Influenza-Like Illness (ILI):**

If your student has the flu, she will be excluded from school for a fever of 100° F with cough and/or sore throat. She cannot return until she is fever free for at least 24 hours without any fever medicines.

**German Measles / Rubella / 3 Day Measles:**  
 Keep your child home until 7 days after rash starts.

**Hand, Foot, and Mouth Disease**

If your student has hand, foot, and mouth disease, she should be out of school while she has fever, excessive drooling, difficulty swallowing, or is too sick to do routine activities.

**Head Lice**

If your child has crawling lice or nits (eggs) ¼ inch or closer to the scalp, and if head-to-head contact with other children can be avoided, he may be sent home from school immediately. After his first treatment with a school-approved lice-removal product, if there are no active lice crawling on your child's head, your child may return to school.

The school or center should check your child 7 days after treatment for any newly hatched crawling lice. If any are present, your child will have to be re-treated for lice before coming back to school.

**Hepatitis A / Yellow Jaundice**

If your child has acute hepatitis A, she may return 1 week after the start of the jaundice.

**Hib (Haemophilus influenzae Type B)**  
 If your child has a proven Hib infection, he will need to be out of school until a health care provider clears the student to return.

**Impetigo**

If your child has dry, honey-colored crusty sores that can be covered, he will be sent home at the end of the day. If the sores are weepy, oozing or wet, or cannot be covered and kept dry, the child will be sent home immediately. He may return after receiving antibiotics for 24 hours if the sores have stopped oozing and are starting to get smaller, or if the sores can be covered completely with a watertight dressing.

**Measles / Red Measles / 10 Day Measles**

If your child has measles, she can return 4 days after the rash begins if she has no fever and feels well enough to participate in regular school activities.

**Meningitis**

If your student shows signs of meningitis (high fever, rash, stiff neck), he must remain out of school until a health care provider says that he may return.

**Mumps**

If your child has mumps, she can return to school 5 days after the beginning of swelling.

**Pinkeye / Conjunctivitis**

If your child has pinkeye, he does not have to stay home unless your health care provider has recommended it. If your child has fever or severe eye pain, take him to see a doctor.

**Rash**

If your student has a rapidly spreading rash or a rash with fever or behavior change, she will be excluded from school immediately.

**Ringworm**

1st - 5th graders: If your child has ringworm of the scalp, he must remain out of school from the end of the day until he has begun treatment with a prescription oral antifungal medication.

1st - 5th graders: If your child has ringworm of the body, he does not have to be out of school/childcare as long as the affected area stays completely covered by clothing. However, we recommend that you seek medical treatment for your child.

Older students with ringworm of the head or body do not have to remain out of school unless they are spreading illness at school. However, we recommend that you also seek medical treatment for your child.

**Scabies**  
 If your child has scabies, she cannot attend school until treatment/medication has been applied.

**Singles**

If your child has shingles sores or blisters that cannot be covered, he must be kept home until the sores are dried or scabbed.

**Skin Infections from Staph or Strep (including MRSA) or Herpes Gladiatorum**  
 Your child may attend school if the sores are covered with clothes or dressings and the drainage does not come through clothes or dressing.

**"Strep Throat" / Streptococcal Pharyngitis**

If your child has Strep throat, he can return to school 24 hours after starting antibiotics if there is no fever.

**Tuberculosis (TB)**

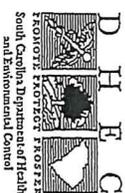
If your child has active TB, keep him home until the doctor treating the TB says the child is no longer contagious.

**Whooping Cough / Pertussis**

If your child gets whooping cough, she can return to school after completing 5 days of prescribed antibiotics, unless you are directed otherwise by DHEC or your school nurse.

If there is an outbreak of disease in your child's school or childcare, DHEC may need to change the exclusions found in this document in order to stop the spread of disease.

If your child has not received immunizations (shots) to protect against diseases like measles, mumps, German measles, or chickenpox, he may need to be excluded from school. If there are cases of these conditions in the school, your school nurse will provide more information if there is ever an exposure or outbreak.



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www.scdhec.gov/Health/ChildTeenHealth/SchoolExclusion

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