

# Esinesinen Procedural Safeguards

An lin me Sam Pwung ren ewe  
Special Education K-21



Ofesin ewe Enhancing Student Opportunities  
255 Capitol Street NE  
Salem, Oregon 97310

Ei taropwe aa winiti ewe U.S. Department of Education ewe Model Procedural Safeguards Esinesin (June 2009) fiti ekkewe tichikin porous ren ennukun Oregon kewe.

Ei taropwe aa enukunuk faniten ewe 2020-2021 ierin sukun. Nge, ei taropwe epwe

Mi or omw kapas eis ika mefiomw ren ei taropwe iwe en mi tongeni kopwe ngeni:

Office of Enhancing Student Opportunities

Oregon Department of Education

255 Capitol Street

Salem, OR 97310

(503) 947-5634

Ei taropwe mei kawor won mecha (electronic) won an Procedural Safeguards ewe website: <https://www.oregon.gov/ode/rules-and-policies/Pages/Procedural-Safeguards.aspx>

Ena policy an ewe State Board of Education me ina met ewe Oregon Department of Education ee akomwa pwe esapw or ewe kefinin nifinifin ngeni aramas ika esapw or ewe emon epwe aosukosuka emon faniten an race, enuwan inisin, ii emon met, mi pwupwunu ika ese pwupwunu, an mwichefen, national origion, ierin ika an disability non ese pwan nifinifin ekkei educational program, activities, ika employment. Ika pwe ee or an emon aramas kapas eis ren ewe angangen nénépok me ewe kefinin nifinifin iwe repwe kokori ewe State Superintendent of Public Instruction ren ewe Oregon Department of Education, 255 Capitol Street NE, Salem, Oregon 97310; nampan fon 503-947-5634; fax 503-378-5156.

Ei porous non ei booklet faniten:

- Ekkewe iin me sam ren nour kewe aa afatetiw me ren ewe 34 CFR 300.30, ren ir ion, ika ren ion kewe, ir mi ketiw ren ewe special education services fan enurun ewe Individuals with Disabilities Education Act (IDEA).
- Ekkewe chon sukun ra watte nge mi or terir kewe ika rese chiwen nomw fan nemenien iner kewe me semer (emancipated) iwe ra nomw fan enurun ORS 419B.550 ngeni 419B.558 me OAR 581-015-2325.

## WEWEN EI “IIN ME SAM”

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Ewe IDEA nge aa ngeni ekkewe iin me sam mi or nour kewe mi or terir ekkoch pwung. Ewe iin me sam mi tongeni epwe:

- Wesetan noun ika mwuti ewe semirit;
- Emon foster iin ika sam ngeni ewe semirit;
- Emon chon tumwunu (me nukun ewe State agency) ika emon chon anomwu Tumwunun ewe semirit;
- Emon ewe ee wisen tumwunu usun an emon iin ika sam tumwunu ika rese nomw ekkewe wesetan iin me sam ika or ewe iin me sam re mwuuti (pachenong ekkewe grandparents, stepparent, ika aramaser kewe ekkoch) ewe semirit ee kan nonomw rer; ika
- Ewe surrogate iin ika sam ewe school district ika juvenile court aa ngeni wisan ewe.

Ika pwe aa nap seni emon aramas mi ketiw an epwe wiseni ewe wis ren iin me sam, ewe wesetan ika ewe chon mwuti ewe semirit aa wiseni ewe wis an epwe emon iin ika sam, iwe ewe wesetan iin me sam ika ewe chon mwuuti epwene inai ena iin ika sam fan enurun ewe IDEA. Nge:

- Ei ennuke ese pwan apply ngeni ewe wesetan inenap ika semenap ika ekkewe inenap me semenap re mwuti ika pwe eseor ar pwung ika legal authority ar repwe finata an ewe semirit sukun.
- Ika pwe ewe imwen kepung aa order ika aa fen pwan or ewe judicial decree ren an epwe pwárátá ika iowe epwe tongeni fori wisen ekkewe iin me sam ngeni ewe semirit ika tongeni or ewe pwungun finatá won winikapen ewe semirit, iwe ena aramas mi tongeni epwe wisen ewe inenap ika semenap faniten ewe special education.

🎓 Ekkewe chon sukun ra tori ewe ier 18, ika ekkewe chon sukun ir mi chok ekkis kukunutiw seni ena ier nge ra pwupwunu, ika ir mi emancipated, nge ewe imwen kepung ese ngenir nour guardian, iwe pwisin ir ra tongeni repwe pwisin finatá ren ar education ika sukun. Ekkei chon sukun iwe itá ururun an iner ika semer kewe pwung seni ewe IDEA iwe epwene pwisin ar pwung iei epwe makketiw non ei publication.

🎓 Ei esisin aa esisina pwe ekkei metoch mi eoch ngeni ekkewe chon sukun ra watte me/ika ekkewe kukun ir mi emancipated.

🎓 Chechemeni pwe ekkei pwung non ei booklet mi apply ngeni ewe semirit iwe epwe pwan apply ngeni ewe chon sukun aa watte nge mi ketiw fan enurun ewe IDEA.

Esapw meinisin ekkewe chon sukun mi or terir repwe ketiw ngeni ewe special education service ee nomw fan enurun IDEA. Ina epwe or ekkoch chon sukun mi or terir kewe mi aweireisi manawer me nonomwur nge ina resapw tongeni repwe ketiw ika tori ekkewe requirements ren ew ekkewe categories ren ewe disability fan enurun ewe IDEA. Ekkei semirit ir mi tongeni repwe tumwun seni ekkewe sokopaten federal laws ika ennuke, ren chowean Section 504 ren ewe Rehabilitation Act of 1973 ika ewe American with Disabilities Act (ADA). An ekkei semirit pwung me iner kewe me semer mi chok saro néné, nge rese taitap, ren met ewe procedural safeguard aa awewetiw non ei booklet. Ren tichikin porousen ekkei ennuke, iwe kokori omw ewe sukun ren ewe district Section 504 coordinator ika katon ekkena porous won ewe [ODE Civil Rights website](#) .

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## **GENERAL INFORMATION**

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Ewe Individual with Disabilities Education Act (IDEA), nge eu federal ennuke ren faniten ewe education ren ekkewe chon sukun mi or ar disability, ir mi require ekkewe sukun epwe awora ngeni inen me semen ewe semirit mi or terin ren ew esinesin ren tichikin porousen ewe procedural safeguards mi kawor fan ewe IDEA me U.S. Department of Education regulations. Ewe kapin ei esinesin epwe tou ngeni ekkewe inenap me semenap fan ew non ew ier ren ewe school year, iwe pwan echo kapi epwe pwan tou ngeni ekkewe iin me sam: (1) ika pwe epwe or ewe referral ika ewe iin me sam ra request epwe or ewe evaluation; (2) an keran tonong ewe receipt ren ewe ewin State special education ren otutur fan enurun ewe 34 CFR 300.151 tori 300.153 (OAR 581-015-2030) me omw keran angei taropwen ewe akomwan request ren ewe arongorong fan enurun ewe 300.507 (OAR 581-015-2345) non ewe ierin sukun; (3) ika pwe aa or ewe pwungun finata ren ewe foforon fen ngeni noumw ewe semirit ren ewe ekkesiwinin placement; me (4) ika pw eke request.

Meinisin ekkei pwung non ei taropwe mi wewe ngeni Part B ren ewe IDEA. Part B mi pachenong ekkewe semirit seni ewe ier unungat (3) ngeni ruweme-ew (21). ODE mi pwan wau ekkewe esinesinen procedural safeguards ren ekkewe semirit ra ier seni ar upwutiw – nimwu (5) non ewe Early Intervention/Early Childhood Special Education (EI/ECSE) program.

Ei Esinesinen ewe Procedural Safeguards nge mi pwan no ngeni ekkewe iin me sam nour kewe semirit mi pwan or terir nge re kan no ngeni ekkewe Oregon charter school. Fan enurun ewe ennuke Oregon, ewe district ikkewe ie ewe charter school ee nomw ie iwe wiser repwe wisen mina ewe special education.

## **EPWE AKOMW OR EWE TAROPWEN ESINESIN**

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### **Esinesin**

Omw ewe school district nge epwe ngonuk ewe taropwen esinesin (repwe ngonuk ekkewe tichikin porous non fofoun mak), mwen ewe fansoun epwe tori ewe atun:

1. Proposes ar repwene pwopwutani ika siwini ewe identification, evaluation, ika ewe educational placement noumw ewe semirit, ren ewe provision ren ewe free appropriate public education (FAPE) ngeni noumw ewe semirit; **ika**
2. Rese mwochen repwe pwopwutani ika pwopwuta me siwini ewe identification, evaluation, ika educational placement ren noumw ewe semirit, ika ewe provision ren FAPE ngeni noumw ewe semirit.

### **Masowen ewe esinesin**

Ena esinesin epwe:

1. Tichikatiw ewe action omw ewe school district ee mwochen ika met ekkewe rese mwochen repwe fori;
2. Awewei ika pwata omw ena school district ee mwochen ika ese mwochen an epwe fori ewe action;
3. Tichikatiw eu me eu ekkewe evaluation procedure, assessment, rekotun, me repot omw ewe school district ee aea me finata met repwe fori me met ekkewe rese mwochen fori ren ewe action;
4. Met epwe pwan pachenong iwe eu statement ren omw protection ika tumwunumw

fan enurun ewe procedural safeguards provisions non ewe part B ren ewe IDEA;

5. Urenuk ifa usun omw kopwe angei echo kapin ei Esinesinen Procedural Safeguards ika pwe ewe action omw ewe school district ee fori ika ese mwochen fori nge esapw eu referral ren ewe evaluation; Pachenong ekkewe resources ren omw kopwe tongeni kuta ewe aninis omw kopwe weweiti ewe IDEA;
6. Tichikatiw pwan ekkewe ekkoch option nge an noumw ewe semirit ewe individualized education program (IEP) Team mi anomwu non ar ekiek me wewen an ekkei option mi rejected ika rese ketiw; **me**
7. Awora eu tichikin porousen ekkewe pwan ekkoch factor mi wewe ngeni an ewe school district ewe proposal ika ar ewe rese mwochen.

### **Esinesin non fos sipwe weweiti**

Ena esinesin epwe:

1. Mak non ewe fos sipwe weweiti me ekkewe aramas repwe weweiti **me**
2. Epwe pwan kawor non fosun fenuwom ewe ika pwan ekkewe ekkoch anen communication en mi tongeni kopwe nounou, chinon chok ika pwe ese tongeni epwe ina.

Fosun fenuwom ewe ika ewe pwan ekkoch mode ren communication esapw eu fos epwe tongeni nomw non founfoun mak, iwe omw ewe school district epwe fori met:

1. Ei taropwen esinesin epwe chok tour ngonuk non aporous non fosun fenuwom ewe ika non pwan ekkewe ekkoch mode ren communication.
2. En mi weweiti masowen ei esinesin; **me**
3. Mi or non mak pisekin pwáratá nge 1 me 2 ekkei metoch asan na mi unus.

### **FOSUN FENUWOM EWE**

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*fosun fenuwom ewe*, epwe chok tongeni aea ngeni ewe emon ese watte an weweiti fosun Merika, wewen ekkei tetenin metoch:

1. Ewe language emon na ee kan nounou, ika ren ewe case ren ewe semirit, ewe language re kan fosun ren inen me semen ewe semirit;
2. Ren metoch meinis ren ewe semirit (pachenong ewe evaluation ren ewe semirit) ewe language ewe semirit ee kan fosun non imwan ewe ika ikkewe ie ee kan kaeo ie.

Ren ewe aramas mi pung seningan ika chuun, ika ren ewe aramas eseor an written language, iwe ewe mode rne communication epwe met ena aramas ee kan nounou (ren sign language, Braille, ika ewe oral communication).

### **ELECTRONIC MAIL**

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Ika pwe omw ewe school district mi awora ngeni iin me sam ar repwe angei ekkewe taropwe non e-mail, iwe en mi tongeni kopwe fini omw kopwe angei ekkei tetenin metoch me non e-mail:

1. Ekkewe taropwen esinesin;
2. Ei esinesinen ekkewe Procedural Safeguards; **me**
3. Esinesinen ekkewe metoch ren ewe due process complaint ika otutur.

## MWUMWUTA – MET WEWEN

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### Wewen


Consent wewen:

1. Aa or ekkewe esinesin ra ngonuk non fosun fenuwom ewe ika ekkewe pwan ekkoch mode ren communication (ren chowean sign language, Braille, oral communication) ren meinisin ekkewe tichikin porous ren ewe action ren met ewe ka fen wau ren omw ewe mwumwutá.
2. Ka weweiti me tipeu ngeni non mak ren ewe action, me ka pwan tipeu ngeni met ekkewe ra tichikatiw ren ewe action me ekkewe lists ren ekkewe rekot (ika pwe mi or) nge kopwene wau me kopwe ngeni ion; **me**
3. Ka pwan weweiti nge omw na mwumwutá aa pwisin omw finata won winikapwomw iwe en mi tongeni kopwe angei sefan omw na mwumwutá inet chok ka mwochen.

**Revoking Consent** - Ika pwe ka mwochen kopwene angei sefan (cancel) omw ewe mwumwutá mwirin an noumw ewe semirit aa fen pwopwutani ewe special education me ekkewe pwan ekkoch service, iwe kopwe fori non taropwe. Omw kopwene angei sefan ewe mwumwutá nge esapw eu negate (undo) ewe action aa fen fis mwirin omw ka fen tipeu ngeni nge ka fen angei wau. Pwan kapachanapan, ewe school district ese pwan require an epwe amend (siwini) an noumw ewe semirit ewe education rekot ren an epwe remove ika tenatiw ekkewe reference nge noumw ewe semirit mi angei ewe special education me ekkewe pwan ekkoch services mwirin omw angei sefan omw ewe mwumwutá.

## MWUMWUTA

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 Chechemeni ekkena consent provisions kich mi esisina me fan na nge epwe pwan apply ngeni ekkewe chon sukun ra watte me ekkewe emancipated minors.

### Mwumwután ewe initial evaluation

Omw ewe school district ese tongeni epwe pwopwutani ewe evaluation ren noumw ewe semirit ren an epwe tongeni katon ika mi eligible fan enurun ewe Part B ren IDEA ren an epwe tongeni angei ewe special education me ekkewe pwan ekkoch services nge rese akomw ngonuk ewe taropwen esinesin ren ewe proposed action me angei omw mwumwutá usun chok met aa tichikitiw fan ewe heading **Prior Written Notice me Consent**.

Omw ewe school district mi tongeni epwe fori wisan kewe ren an epwe angei omw mwumwutá ren ewe evaluation ren an epwe or ewe pwungun finata ika noumw ewe semirit nge emon semirit mi or an disability.

Omw mwututá ei evaluation esapw wewen nge ka ngeni ewe school district an epwene pwopwuta me awora ewe special education me ekkewe pwan ekkoch services ngeni noumw ewe semirit.

Omw ewe school district ese tongeni epwe aea omw ewe kose tipeu ngeni ewe evaluation ren epwene ina nongonongen met resapw chiwen etiwa en me noumw ewe ren ekkewe ekkoch service, benefit, ika activity, chinon chok ika eu ekkewe Part B requirement ee require ini ewe school district an epwe ina.

Ika pwe noumw ewe semirit ee enroll non public school ika ka kuta ngeni noumw ewe epwe enroll non ewe public school iwe kose wau omw mwumwutá ika kose penuwani ekkewe request omw kopwe awora omw ewe mwumwutá ren ewe evaluation, omw ewe school district mi tongeni epwe, nge ese pwan require, an epwe sopweno ewe angangen evaluation ren noumw ewe nge repwene aea an IDEA ewe mediation ika due process otutur, chufengen ren ewe resolution, ewe impartial due process hearing procedures. Omw ewe school district mi tongeni



esapw atai an kewe obligation an epwe kuta, identify me evaluate noumw ewe semirit ika pwe ese kuta noumw ewe an epwe or ewe evaluation ren noumw ewe fan ekkei esinesin.

### **Ekkewe special rules ren ewe evaluation ren ewe wards of the State**

Ika pwe ewe semirit ee nomw fan tumwunuen ewe state nge ese nomw ren inan me seman, iwe ewe school district ese pwan need epwe angei mwumwutá seni ewe iin me sam ren ekkewe evaluation ren ar repwe katon ika ewe semirit mi or an disability ika:

1. Ina mwo ika ra fori wiser kewe, nge ewe school district ese tongeni epwe kuna inen me semen ewe semirit;
2. Iwe an ewe iin me sam pwung epwene katano non met aa ennuikutiwi seni ewe state; **ika**
3. Ewe sou kepung aa ngeni ewe pwung ren ar repwe fori ewe pwungun finata ren an sukun me mwutató ren ewe evaluation ngeni emon ewe esapw ewe iin me sam.

*Ward of the State*, usun chok met ewe non IDEA, wewen nge ewe semirit, ra nuku nge ewe state ewe semirit ee nonomw ie, iwe:

1. Emon foster child;
2. Aa nomw fan tumwunuen mwuun me ewe ennukun state; **ika**
3. Aa nonomw fan tumwunuen child welfare agency.

Nge mi or eu metoch kopwe sinei. *Ward of the State* ese pwan pachenong ewe semirit emon foster child mi or an kewe foster parents ir mi meet ini ei wewe ren *iin me sam* non ewe IDEA.

Non Oregon, ewe ward of state nge emon semirit aa nomw fan tumwunuen ewe Department of Human Services ika ewe Oregon Youth Authority non chok mwochomwochen fansoun ika fen non fansoun nakatam seni ewe action ren ewe juvenile court.

### **An ewe iin me sam mwumwutá ren ekkewe service**

Omw ewe school district epwe angei omw mwumwutá mwen ar repwe awora ewe special education me ekkewe pwan ekkoch services ngeni noumw ewe semirit ika epwe keran ina ewin.

Ewe school district epwe fori wisan kewe an epwe tongeni angei omw ewe mwumwutá mwen ar repwe tongeni awora ena special education me ekkewe pwan ekkoch service ngeni noumw ewe semirit ika epwe keran ina ewin.

Ika pwe kose penuwani ar request pwe kopwe awora omw ewe mwumwutá ren faniten noumw ewe semirit epwe angei ewin ekkewe special education me ekkewe services, ika pwe kose tipeu ngeni ena mwumwutá ika mwirinon kopwe angei sefan (cancel) omw ewe mwumwutá non taropwe, iwe omw ewe school district esapw aea ekkei procedural safeguards (ren mediation, due process otutur, chufengen ren ewe resolution, ika ewe impartial due process arongorong) ren ar repwe tongeni angei ewe etipeu ika ewe ruling nge ewe special education me ekkewe ekkoch services (recommended seni noumw ewe semirit ewe IEP Team) mi tongeni epwe kawor ngeni noumw ewe semirit nge rese pwan need omw ewe mwumwutá.

Ika pwe kose mwutató an noumw ewe epwe keran iwe an epwe angei ekkewe special education me ekkewe pwan ekkoch services, ika kose penuwani ewe request omw kopwe mwutató ika mwirinon ka mwochen angei sefan omw ewe mwumwutá (cancel) non taropwe ika maki we ewe school district esapw awora ngeni noumw ewe semirit ewe special education me ekkewe pwan ekkoch services ika pwe kose awora omw ewe mwumwutá, iwe omw ewe school district:

1. Ese pwan nomw non ewe violation ren ewe requirement ren omw kopwe mina ewe free appropriate public education (FAPE) mi kawor ngeni noumw ewe faniten an fail iwe mi tongeni angei ekkei service; **me**
2. Ese pwan require an kopwe angei ewe individualized educational program (IEP) meeting ika develop ewe IEP ren faniten noumw ewe semirit ren ewe special education me ekkewe ekkoch service ren an repwe angei omw ewe mwumwutá.

Ika pwe ka angei sefan (cancel) omw ewe mwumwutá non mak inet chok nge aa mwirinon an noumw ewe aa fen kawor ngeni ewe special education me ekkewe pwan ekkoch services, iwe ewe school district mi tongeni esapw chiwen sopweno me awora ekkewe service, nge epwe akomw esinesin ngonuk non taropwe, usun chok met aa fen tichikitiw fan ena heading **Prior Written Notice**, mwen ar repwe awesano ekkena service.

### **An ewe iin me sam mwumwutá ren ewe reevaluation**

Omw ewe school district epwe angei omw mwumwutá mwen an repwe reevaluate ini noumw ewe, chinon chok ika pwe ewe school district epwe fori ekkei foror:

1. Ir mi pe me fori ekkewe steps ren ar repwe tongeni angei omw mwumwutá ren ewe reevaluation; **iwe**
2. Kose penuwani.

Ewe ennukun Oregon nge mi require ewe taropwen mwumwutá ren emon aramas ren ewe test ika test in personality; ese pwan chiwen namot omw mwumwutá ika pwe re request mwumwutan eu ekkei assessment.

Ika pwe kose mwutata an noumw angei ewe reevaluation, iwe ewe school district mi tongeni epwe, nge ese pwan require, an epwe sopweno me fori ewe angangen reevaluation nge repwe aea ewe mediation, due process otutur, ewe chufengen ren resolution, me ewe impartial due process hearing procedure ren ar repwe tongeni override omw ewe kose tipeu ngeni an noumw ewe epwe reevaluate. Ren ewe evaluation, iwe omw ewe school district ese atai wisan ewe fan enurun ewe Part B ren IDEA ika pwe ese etiwa an epwe reevaluation non ei atun.

### **Repwe pwan wattiw non taropwe ika mak ar fori ar angang me angei ewe mwumwutá**

Omw ewe sukun epwe anomwu non taropwe an fori wiser kewe me angei omw mwumwutá ren ekkewe evaluation, an epwe awora ekkewe special education me ekkewe pwan ekkoch services ika epwe keran ina ewin, faniten ewe reevaluation, me ar pe me kuta ekkewe iin me sam ren ekkewe wards of state ren ar evaluation. Ekkena taropwe epwe pachenong ekkewe rekotun an ewe school district fori ar kewe angang non ekkei neni, ren chowean:

1. Tichikin porousen ekkewe koko fengen me ekkewe rese penuwani me pwungunon ekkena koko fengen;
2. Kapin ekkewe taropwe aa tou ngeni ekkewe iin me sam me pwan penuwan kewe; **me**
3. Tichikin porousan ekkewe rekot ren ekkewe chufengen ren imwen ekkewe iin me sam ika ar kewe nenien angang me ekkewe Pwungun finata ren ekkena chufengen.

### **Ekkewe pwan ekkoch mwumwutá**

Omw ewe mwumwutá ese pwan required mwen an omw ewe school district epwe:

1. Katon ewe data mi pwisin or ren noumw an noumw ewe semirit ewe evalatuion ika an ewe reevaluation;

2. Ngeni noumw na semirit ewe test ika ekkewe ekkoch evlauthon ekkewe semirit meinisin ir mi angei, mwen ena test ika evaluation, omw mwumwutá mi require seni ekkewe seni inen me semen meinisin ekkewe semirit;

Ika pwe en mi enroll noumw ewe semirit non eu private school ka pwisin meni ika ke pwisin home school noumw ewe, nge kose awora omw ewe mwumwutá an ewe semirit epwe angei ewe evaluation ika epwe angei sefan ewe evaluation, ika ke fail omw kopwe respond ngeni ewe request ren omw kopwe awora omw ewe mwumwutá, iwe ewe school district mi tongeni esapw aea omw ewe mwumwutá nge ir mi tongeni repwene chok override ekkewe procedures (ren mediation, impartial due process hearing) me ese pwan require an noumw ewe epwe pwan eligible me angei ekkewe equitable services (ekewe services ee kawor ngeni ekkewe semirit iner ika semer kewe re warenong non private school nge mi or ar disability).

### **Omw mwumwutá omw kopwe aea ewe Public Benefits me Insurance (ren chowean Medicaid)**

Ewe school district epwe fori me anganga ekkewe procedures ren faniten omw ewe kose tipeu ngeni ekkewe meinisin service me activities nge esapw winiti an kosapw ketiw ngeni an noumw ewe epwe or ren ewe free appropriate public education (FAPE). Pwan eu, omw ewe school district esapw aea omw ewe kose tipeu ngeni eu ekkewe services ika activities ren ewe wewe ar resapw etiwok ngeni ekkewe ekkoch service, benefit, ika activity, chinon chok ika ee pwan or eu an Part B requirment mi require an ewe school district an epwe ina sokkun.

En mi tongeni kopwe angei sefan omw ewe mwumwutá inet chok ka mwochen angei nge kopwe esinesin ngeni ewe school district non taropwe. Ika pwe ka angei sefan omw ewe mwumwutá, iwe noumw ewe semirit epwe chok pwan angei ekkewe special education me ekkewe pwan ekkoch service mi need an epwe kawor ewe FAPE.

### **INDEPENDENT EDUCATIONAL EVALUATIONS (IEE)**

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#### **General**

Usun chok met aa fen tichikitiw fan na, mi or omw pwung omw kopwe angei ewe independent educational evaluation (IEE) ren noumw ewe semirit ika pwe kese tipeu ngeni ewe evaluation noumw ewe semirit ee angei seni ewe school district.

Ika pwe ke request ewe IEE, iwe ewe school district epwe awora ngonuk tichikin porousan ren ian kopwe tongeni angei me ian ewe IEE me an ewe sukun ewe criteria omw kopwe tongeni apply ngeni ewe independent educational evaluations.

#### **Wewen**

*Independent educational evaluation* wewen nge ewe evaluation ewe qualified examiner ee wisen fori nge ese kan angang non ewe school district ee wiseni ewe wis ren faniten an ewe semirit ewe education.

*Public expense* wewen nge ewe school district epwe wisen meni unusan ewe memen evaluation ika fori met ewe evaluation epwe kawor ngonuk nge kosapw pwan meni, epwe consistent ngeni ekkewe provisions ren Part B ren ewe IDEA, an epwe tongeni mwut ngeni eu me eu ekkewe state, local, me federal me private sources ar repwe tongeni support me awora ngeni ewe state an epwe tongeni meet ekkewe requirements ren Part B ren ewe Act.

**Omw pwung ngeni ewe evaluation nge mwuun epwe wisen meni.**

Mi or omw pwung ngeni ewe independent educational evaluation ren noum ewe semirit nge mwuun epwe wisen meni ika pwe kose tipew ngeni ewe evaluation ren noumw ewe me ren ewe school district, iwe kopwe fiti ekkkan tetenin condition:

1. Ika pwe ke mwochen ewe independent educational evaluation ren noumw ewe nge mwuun epwe meni, iwe omw ewe school district epwe, esapw pwan or angamangan iwe epwe: (a) File ewe due process complaint ren ar repwe pwári nge non ewe evaluation ren noumw ewe semirit mi eoch; ika (b) Awora ewe independent educational evaluation ren an mwuun epwe wisen meni, me nukun ewe school district epwe wisen fori angangen non ewe arongorong nge ewe evaluation ren noumw ewe ra angei nge ese tori an ewe school district ewe criteria.
2. Ika pwe ewe school district aa request ewe arongorong me ewe pwungun finata nge omw ewe school district ewe evaluation ren noumw ewe mi eoch, iwe mi or omw pwung ngeni ewe independent educational evaluation, nge mwuun esapw meni.
3. Ika pwe ke request ewe independent educational evaluation ren noumw ewe, nge ewe school district ina epwe eisinuk ika pwata kose mwochen ewe evaluation ren noumw ewe an ewe school district epwe wisen angei. Nge, ina omw ewe school district ina esapw pwan require omw kopwe awewei me esapw wpan tongeni epwe amangano an epwe awora ewe independent educational evaluation ren noumw ewe semirit an mwuun epwe wisen meni ika ewe filing ren ewe due process complaint ren an epwe defend ewe school district ewe evaluation ren noumw ewe semirit.

Mi or omw pwung ngeni ew chok ewe independent educational evaluation ren noumw ewe semirit nge mwuun epwe wisen meni iteiten ewe school district epwe wisen fori ekkewe evaluation ren noumw ewe semirit nge ika pwe kose tipeu ngeni.

### **Parent-initiated evaluations**

Ika pwe aa kawor ngonuk ewe independent educational evaluation ren noumw ewe nge mwuun epwe meni ika en mi pwan ngeni ewe sukun ew evaluation ren noumw nge an na evaluation ee kamou me ekkis:

1. Omw ewe school district mi tongeni epwe ekieki an epwe anomwu ena pwungun ena evaluation ren noumw na semirit, ika pwe mi tori an ewe school district ewe criteria ren ewe independent educational evaluation, non ekkewe pwungun finata ra fori nge mi pwan fiti ennetin sufonun ewe provision ren ewe free appropriate public education (FAPE) ngeni noumw ew semirit; me
2. En ika omw ewe school district mi tongeni epwe pwárau ewe evaluation nge epwe ew pisekin pwáratá me ren ewe arongorong ren noumw ewe semirit.

### **Ika pwe ee or request ren ewe evaluation me ren ekkewe chon angangen non ewe arongorong**

Ika pwe emon ekkewe chon angangen non ewe arongorong ee mwochen epwe or ewe independent educational evaluation ren noumw ewe ren faniten ewe arongorong, iwe memen ena evaluation mwuun epwe wisen meni.

### **School district criteria**

Ika pwe ewe independent educational evaluation nge mwuun ee wisen meni, iwe ewe criteria ren met ewe evaluation aa fen katoun, pachenong ewe location ren ewe evaluation me ekkewe qualification ren ewe examiner; iwe epwe chok nene ngeni ewe criteria ren met ewe school district ee kan aea pwe epwe pwopwutani ewe evaluation (ngeni ekkena criteria ir mi consistent ngeni omw ewe pwung ngeni ewe independent educational evaluation).

Me nukun ewe criteria ren met aa fen tichikitiw me asan na, ewe school district esapw tongeni impse ekkei conditions ika timelines ngeni met ewe ra angei me non ewe independent educational evaluation ika pwe mwuun ee meni.

## **POROUS EPWE CHOK NOMW NON MWONOMWON**

### **MWONOMWON AA WEWE NGENI**

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Usun chok met aa fen nomw fan makken ewe **Porous Epwe Chok Nomw Non Mwononmwon**:

- *Destruction* wewen nge omw kopwe atai ika emwokutu ekkewe metoch an sipwe tongeni sinei pwun porousen emon ewe iwe nupwen ka ina usun iwe sise tongeni ach sipwe esina chiwen ika porousen ion ewe.
- *Education records* wewen nge ekkewe type en rekot mi nomw fan enurun ewe wewe “education records” non 34 CFR Part 99 (ewe regulations ee wisen emwokutu ewe Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (FERPA)) me OAR 581-015-2300.
- *Participating agency* wewen ekkewe meininis school district, agency ika institution ee kan wisen ioni, anomwu, ika nounou ekkewe personally identifiable information, ika seni meni chok porous aa tour ngenir, fan ewe Part B of IDEA.

### **PERSONALLY IDENTIFIABLE**

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*Personally identifiable* wewen ekkewe porous mi pachenong:

- (a) Iten noumw ewe, itomw ren ewe iin ika sam, ika iten pwan emon chochon non omw ewe famini;
- (b) An noumw ewe address;
- (c) Ewe personal identifier, ren noun noumw ewe nampan social security, nampan student, ika ewe nampan biometric;
- (d) Pwan ekkoch ekkewe identifiers, ren upwutiwen ewe semirit, ian ee upwutiw ian, me an ewe inenap ewe maiden name;
- (e) Pwan ekkoch ekkewe tichikin porous mi pwan fiti ekkewe linked ika ekkewe linkable ngeni ekkewe specific semirit mi mwut ngeni ewe aramas non ewe school community, ese pwan or an personal sinei ngeni ewe eucheane fansoun, ren an epwe tongeni kuna ewe semirit; ika
- (f) Ekkewe pwan ekkoch porous requested seni ewe aramas ewe school district ee nuku nge mi sinei an ewe chon sukun identity mi related ngeni ekkewe educational records ika rekotun ekkewe sukun.

### **ESINESIN NGENI IIN ME SAM**

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Ewe SEA nge epwe wau ekkewe esinesin an epwe esine ngeni ekkewe iin me sam ren ekkewe porous mi nomw non mwononmwon ren tichikin ewe identifiable information, pachenong:

1. Tichikin ewe extent ren ewe esinesin aa katou non ekkewe native language ren ekkewe sokopaten population groups non ewe state;
2. Tichikin ekkewe semirit mi or ar kewe personally identifiable information mi nonomw, ekkewe type en porous re mwochen, ekkewe methods ewe state ee mwochen repwe aea non fansoun ar ra ioni ekkena porous (pachenong ekkewe source re angei me ian ekkewe porous), me ekkewe pwan porous re kan aea;

3. Ewe summary ren ekkewe policies me ekkewe procedures ren ekkewe agencies repwe fiti ren ar repwe isoni, wau ngeni ekkewe third parties, ekkewe retention me ar repwe ataienoi ekkewe porous ren identifiable information; **me**
4. Tichikin porousen an ekkewe iin me sam pwung me pwan nour kewe semirit ren ekkei porous, pachenong ekkewe pwung fan enurun ewe Family Educational Rights me Privacy Act (FERPA) me ekkewe regulations ra pwopwuta anganga non 34 CFR Part 99.

Mwen ekkewe watten activity ren ar repwe identify, kuna, me evaluate ini ekkewe semirit ren ekkewe special education me ekkewe pwan ekkoch services (pwan iter “child fine”), iwe ewe esinesin epwe pwan published ika katou non newspaper ika won ekkewe pwan ekkoch media, ika fen me ruu, epwe pwan esinesin ngeni ekkewe iin me sam non ewe state ren ekkei sokkun activities.

### **OMW KOPWE ACCESS NGENI OMW KEWE PWUNG**

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Ewe participating agency<sup>1</sup> epwe mwut ngonuk omw kopwe inspect ke katon ewe education rekot ren noumw ewe semirit ra ioni, anomwu, me aea seni omw ewe school district fan enurun ewe Part B ren IDEA. Ewe participating agency<sup>1</sup> epwe comply ngeni omw ewe request ren omw kopwe inspect me katon ekkewe rekotun education ren noumw ewe nge resapw pwan amanga me mwen ese pwan nifinfin chufengen ren ewe individualized education program (IEP), ika pwan ekkewe impartial meeting (pachenong ewe arongorong ren ewe discipline), esapw pwan nuseni 45 pwinin maramen ran mwirin omw ka mina ena request.

Omw pwung omw kopwe inspect me katon ekkewe rekotun education mi pachenong:

1. Omw ewe pwung omw kopwe penuwani ekkewe participating agency district ren omw ewe request ren ar repwe aweweieochu met masowen ekkewe rekot;
2. Omw ewe pwung omw kopwe request ewe agency epwe awora ekkewe kapin rekot ika pwe kose tongeni kopwe inspect ia katon ekkewe rekot nge esapw nomw non kapi; **me**
3. Omw ewe pwung an noumw ewe representative epwe wisen katon ekkewe rekot.

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<sup>1</sup> Ewe U.S. Department of Education ee kan aea ewe fos “*participating agency*” ren an repwe ani awewe ekkewe meinisin school district, agency, ika ekkewe institution re kan angei, anomwu, ika aea ekkewe tichikin porous ika me ian re angei ekkewe porous seni fan enurun ewe Part B ren ewe IDEA. Pwokiten ei taropwe ee kon nomw won an ewe iin me sam mwokutukut non ewe local school district, “school district” iwe ina met sipwene aea nap seni ewe fos, “participating agency;” nge, ennukun ekkewe rekot mi makketiw ika afatetiwe iwe mi pwan chok ngeni meinisin ekkewe agency.

Ewe agency epwe ekieki nge ka angei mwumwutá omw kopwe katon ekkewe rekot ren noumw ewe semirit chinon chok ika pwe re erenuk pwe eseor omw pwung fan enurun ewe state government ren ekkewe metoch ren guardianship, mwuufesen, me wes fesen.

### **REKOTUN ION MI ANGEI ACCESS**

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Eu me eu ekkewe agency repwe anomwu ngenir rekotun ion mi angei access ngeni ekkewe rekotun education re ioni, anomwu, ika aea fan enurun ewe Part B ren IDEA (chinon chok ekkewe iin me sam me ekkewe chon angang ir mi angei ar mwumwutá me non ewe agency), pachenong iten ewe party, pwinin maramen ar angei ekkewe porous, me met wewen an ewe party aa angei ekkewe porous ren an epwe aea faniten met.

### **REKOTUN NAPE SENI EMON SEMIRIT**

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Ika pwe ewe rekotun education nge ir mi anomwu napeseni emon semirit, iwe ekkewe iin me sam ren ekkena semirit mi or ar pwung ar repwe katon chok ekkewe porous ren nour kewe semirit ika epwe or ewe esinesin ngenir ren ekkewe ekkoch tichikin porous.

### **EWE LIST REN EKKEWE SOKKUN POROUS ME IAN RE NOMW IAN**

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Ika pwe emon ee request, iwe ewe agency epwe awora ngonuk ekkewe list ren met ekkewe type me nenien ekkewe rekotun education mi ioni, anomwu, me aea ren ewe agency.

### **MEMEN**

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Eu me eu ekkewe agency iwe ina repwe era kopwe meni ika pwe ke mwochen kapin ekkewe rekot ra foruta fanitomw fan enurun ewe Part B ren IDEA, ika pwe memen ena taropwe nge ese pwan epetuk omw kopwe anganga omw kewe pwung ren omw kopwe katon me review ni ekkewe rekot.

Ewe agency esapw tongeni epwe ngonuk memen ewe fee ren ar repwe kuta ika angei ekkewe porous fan enurun ewe Part B ren IDEA.

### **EPWE OR EKKESIWININ EKKEWE REKOT IKA PWE EKKEWE IIN ME SAM RE MWOCHEN**

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Ika pwe ke mefi nge ekkei porous non ewe rekotun education ren noumw ewe semirit re ioni, anomwu, me aea fan enurun ewe Part B ren IDEA nge ese pwung, mi mwáán, ika mi atai ennuken ewe mwonomwon me ekkoch an noumw ewe pwung, iwe en mi tongeni kopwe request ewe agency ee kan wisen anomwu ekkena porous an epwe siwini.

Ena agency epwe finata ika epwe siwini ekkena porous anongonong won omw ewe request non ukukun ewe fansoun ra angei ewe risiten omw ewe request.

Ika pwe ewe agency aa finata nge esapw epwungu ekkewe porous won ewe rekot faniten omw ewe request, iwe epwe akomw esine ngonuk ren ena pwungun finata iwe epwe pwan afanafanok ren omw ewe pwung ngeni ew arongorong usun chok met aa tichikitiw fan ena ***Eu fansoun arongong.***

## **EU FANSOUN ARONGONG**

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Ewe agency epwe chok, ika pwe emon ee request, awora ngonuk ewe fansoun ren ewe arongorong ren omw kopwe apwungu ekkewe porous non ewe rekotun education ren noumw ewe semirit faniten ese pwung, mi mwáán, ika mi atai ewe ennuhun mwonomwon ika ekkoch an noumw ewe pwung.

## **ANGANGEN ARONGORONG**

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Ewe arongorong epwe fis pwe ren an epwe apwungu ekkewe porous me non ewe rekotun education iwe epwe fis ren met ewe procedure ren ekkena sokkun arongorong fan enurun ewe Family Educational Rights me Privacy Act (FERPA).

## **PWUNGUNON EWE ARONGORONG**

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Ika, pwe ewe pwungun arongorong aa tou, iwe ewe agency ee wisen anganga epwe wisen finatá ika pwe ekkewe porous ese pwung, mi mwáán ika mi atai ewe mwonomwon me pwan ekkoch an noumw ewe pwung, iwe repwe siwini ekkena porous anongonong won met aa fis iwe repwe pwan esinesin ngonuk non taropwe.

Ika, ewe pwungun ewe arongorong, ekkewe chon fiti ren agency ra finata nge ekkewe porous ese pwung, mi mwáán, ika mi atai ewe privacy ika an ekkoch pwung ren noumw ewe semirit, iwe ina repwe urenuk omw kewe pwung omw kopwe anomwu non rekot met ekkewe pwe epwe nomw won an noumw ewe semirit ewe statement ka era pwe ekkewe porous ika ka awora ekkewe awewe pwe kose tipeu ngeni ewe pwungun finata ren met ewe agency aa fori.

Ekkei sokkun awewe iwe epwene nomw won an noumw ewe rekot iwe:

1. Ekkewe agency ir mi nomw non ei men iwe repwe wisen anomwu rekotun noumw na semirit nge ren tamen fansoun repwe tongeni anomwu iwe aa anongonong won ar repwe tongeni anomwu ngenir; **me**
2. Ika pwe ewe ekkewe agency ee wau rekotun noumw ewe semirit ika wau ekkewe tichikin porous ngeni ese pwan nifinifin party, iwe epwe pwan or ewe taropwen awewe epwe katou ngeni ewe party.

## **MWUMWUTAN AN EPWE TOU EKKEWE INDENTIFIABLE INFORMATION**

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Nge ika pwe ekkena porous re nomw non ewe rekotun education, iwe nupwen epwe katou ekkena porous ese pwan chiwen namot mwumwután epwe katou me ren ekkewe iin me sam fan enurun ewe Family Educational Rights me Privacy Act (FERPA), iwe repwe akomw angei mwumwutá sonuk mwen an epwe katou ekkewe tichikin porous mi eueha ngeni ekkewe ekkoch parties me nukun ekkewe officials seni ekkewe ekkoch agency. Chinon chok ika pwe epwe or met ewe ra tichikatiw fan na, iwe omw ewe mwutatá iwe rese pwan chiwen require mwen an epwe tou ekkewe tichikin porous ngeni ekkewe officials seni ekkewe agency faniten repwe tori ewe requirement ren ewe Part B ren IDEA.

Omw kopwe mwutatá ika an ewe semirit aa tori ierin epwe mwutatá aa nonomw fan enurun ewe ennuhun state, iwe repwe akomw angei mwen ekkewe euehan tichikin porous epwe katou ngeni ekkewe officials seni ekkewe agency re wisen awora ika repwe meni ena transition service.

Ika pwe noumw ewe mi nomw non, ika epwene nomw non, ewe ekkewe private school nge ese nomw non ewe school district ke kan nonomw ie, iwe repwe angei omw mwumwuta mwen an epwe tou ekkewe tichikin porous ren noumw ewe semirit epwe katou ngeni ekkewe officials non ewe school district ren iawe ewe private school ee nonomw ie me ekkewe officials re nomw non ewe school district ren iawe ke nonomw ie.



## **SAFEGUARDS**

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Eu me eu ekkewe agency nge repwe fori met an repwe tumwunufichi me anomwu non mwonomwon tichikin porousen emon ewe ren ar ra ioni, anomwu, me wau me ifa kinikinin ika aa nonomw ian ren ekkewe porous ra ataienoi.

Emon ekkewe official seni ekkewe agency nge repwe wiseni ewe wis ne tutumwunufichi me fori met ekkewe tichikin porousen emon ewe epwe nomw non mwonomwon me tumwun.

Meininis ekkewe aramas repwe ioni me aea ekkewe tichikin porous ren emon ewe iwe repwe angei ar training ika kaeo ren an ar ewe state policy me ekkewe procedures ika angangen an repwe sinei ekkewe metoch epwe nomw non mwonomwon fan enurun ewe Part B ren IDEA me ewe Family Educational Rights me Privacy Acts (FERPA).

Eu me eu ekkewe agency ir mi pwan nomw non ei angang iwe repwe fori met repwe anomwu, ren faniten ewe public inspection, ewe taropwen iten ekkewe aramas me met ekkewe wiser ika ar position ren ekkewe chon angang non ewe agency ir mi tongeni repwe access ngeni ekkewe tichikin porous ren emon ewe.

## **KATANON POROUS**

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Omw ewe school district nge epwe esine ngonuk ika pwe ekkewe porous ren identifiable information nge ra ioni, anomwu, ika aea fan enurun ewe Part B ren IDEA nge ese pwan chiwen or namotan ren an epwe awora ewe educational service ngeni noumw ewe semirit.

Ekkei porous mi tongeni epwe katano ika pwe ke request. Nge, rekotun iten noumw ewe, ewe address, ewe nampan fon, ar kewe grade, rekotun ar wareiti sukun, ekkewe class ir mi fiti, ewe grade level ir mi awesi, me ewe ier ir mi pwan awesi iwe mi tongeni epwe nomw ese pwan or keukun an epwe nonomw. Mi Or omw pwung omw kopwe eisini ewe school district an epwe ataienoi tichikin porousen noumw ewe semirit ika pwe ese pwan chiwen or namotan.

## **FORI ANGANGEN TIPEU**

### **MEDIATION**

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#### **General**

Mediation mi kawor seni ewe ODE an epwe mwut ngonuk me ewe school district ren ami oupwe tongeni angang fengen ika pwe ese or ewe etipew fengen nefinemi ren ekkoch metoch mi nomw fan enurun ewe Part B ren IDEA, pachenong ekkewe pwan osukosuk mi pwisin wor mwen ewe epwe fis ewe otutur. Ina minee, mediation aa kawor ren an epwe angang won ekkewe osukosuk aa fisita fan enurun ewe Part B ren IDEA, ina mwo ika en mi file ewe otutur ika kose ren omw kopwe request ewe arongorong ina mi tichikitiw fan ena ***Filing a Due Process Complaint*** ika fen file ewe otutur ren ewe special education

#### **Requirements**

Ei procedure nge epwe fori met ewe mediation process:

1. Aa pwisin nonomw reom me nonomw ren ewe school district;
2. Esapw tongeni nounou an resapw etiwa ika amangano omw ewe pwung ngeni ewe arongorong, ika resapw etiwa pwan ekkoch omw kewe pwung ee nomw fan enurun ewe Part B ren IDEA; **me**

3. Ee kan fis angangan seni ewe mediator mi qualified me mi pwan impartial nge mi pwan train non ewe mediation techniques ika angangan.

Ewe state epwe anomwu iten ekkewe aramas ir mi ketiw ar repwe mediators me sinei ekkewe ennu me ekkewe regulations mi wewe ngeni ewe special education me ekkewe pwan services ren pekkin ena men. Ewe state epwe fini ekkewe mediators anongonong won meni chok ra seretá won, epwe pwan or wewen me esapw pwan or ewe kefinin nifinifin.

Wis en ewe state repwe méni ewe mediation process, pachenong pwan memen ekkewe chufengen.

Eu me eu ekkewe chufengen non ewe mediation process iwe epwe fis non ewe atun mi kofich ngonuk iwe epwe pwan fis ikkewe ie mi pwan eochu ngonuk me ewe school district.

Ika en me ewe school district ouwa awesano ewe osukosuk seni ewe mediation process, iwe me ruu ekkewe parties repwe tonong non ewe legally binding tipeu ika agreement aa fen set forth ren ewe resolution me:

1. Epwe pwan afateti w pwe meinisin ekkewe porous aa fis atun ewe mediation process iwe epwe nomw non mwonomwon esapw or metoch repwe aea ren pisekin pwáratá non ekkewe due process hearing me ekkewe civil proceeding (court case); **me**
2. Epwe sain seni ami me ruemon en m ewe representative ren ewe school district mi or an ewe authority ren an epwe bind ini ewe school district.

Epwe mak, iwe epwe pwan sain ewe etipew an ewe mediation epwe kawor non ewe state court ren ewe competent jurisdiction (ewe imwen kepwung mi or an authority ika nemenem fan enurun ewe state law an epwe rong ei sokkun case) ika non ewe district court ren ewe United States.

Aporous aa fis atun ewe mediation process iwe epwe nomw non mwonomwon. Esapw or eu metoch repwe aea ren pisekin pwáratá non ekkwan ran mwaach ren ekkewe due process hearing ika ekkewe civil proceeding ren ekkewe federal court me state court ren ewe state epwe angei ewe aninis fan enurun ewe Part B ren IDEA.

### **Impartiality ren ewe mediator**

Ewe mediator:

1. Esapw emon chon angangen ewe SEA ika ewe school district epwe pwan nomw non education ika nomw non tumwunun noumw ewe semirit; **me**
2. Esapw pwan or ewe personal me professional intereset pwe epwe ina met epwe angawa met ewe euche an ewe mediator ren an ewe objectivity.

Ewe aramas ee tongeni epwe qualify an epwe emon mediator iwe esapw emon chon angangen ewe school district ika state agency nge epwe emon ewe agency epwe meni an epwe emon mediator.

## **EKKEWE ANGANGEN OTUTUR**

### **SOKOFESENIN NEFINEN EWE DUE PROCESS COMPLAINTS ME HEARINGS ME PWAN EWE STATE COMPLAINTS**

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Ekkewe regulation ren Part B ren ewe IDEA aa ikkena met mi eimwufeseni ekkewe procedures ren ewe otuturun state me ewe due process otutur me ekkewe arongorong. Ren met aa fen aweweti w fan na, ngeni ion ese pwan nifinifin ika eu organization aa mwochen file ewe state otutur ren eu katan ennu kun ewe Part B requirement seni ewe school district, ewe SEA ika eu chok public

agency. En chok ika ewe school district ami mi tongeni file ewe due process complaint ika otutur won ese pwan nifinifin aa wewe ngeni ewe proposal ika ewe refusal ika ewe ekkesiwin ren ewe identification, evaluation ika ewe educational placement ren ewe semirit mi or an disability, ika ewe provision ren ewe free appropriate public education (FAPE) ngeni ewe semirit.

Ekkewe chon angangen SEA iwe re kan resolve ini ewe otutur non ukukun 60-pwinin maramen-ran timeline, chinon chok iwe ewe timeline aa extended, iwe ewe impartial hearing officer (pwan itan administrative law judge) epwe wau ewe taropwen pwungun finata non ewe 45-pwinin maramen-ran mwirin an aa wesino ewe resolution period, usun chok met aa tichikitiw non ei taropwe fan eunurn ewe heading Resolution Process, chinon chok ika ewe hearing officer aa grant ewe specific extension ren ewe timeline ika iwe ke request ika ewe school district ee request.

Ewe otuturun state me ewe due process otutur, resolution me ewe arongorongen procedures ina mi tichikitiw me fan na. Ewe SEA epwe develop ini ewe model forms ren ane pwe tongeni anisuk me file ewe due process complaint ika otutur me pwan anisuk ika ewe epek party me file ewe otuturun state usun chok met aa fen tichikitiw fan ewe heading **Model Forms**.

## **ADOPTION OF STATE COMPLAINT PROCEDURES**

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### **General**

Eu me eu ekkewe SEA epwe or ekkewe tarowpen procedures ren:

1. Epwe resolve ese pwan nifinifin ekkewe otuturun special education pachenong ewe otutur file seni ewe organization ika seni emon ewe seni ewe eu state; me
2. Ewe filing ren ewe otutur ren ewe SEA.
3. Ekkewe otuturun state procedures ngeni ekkewe iin me sam me ekkewe pwan ir mi pwan mwochen, pachenong ekkewe iin me sam ren training me ekkewe information centers, protection me advocacy agencies, independent living centers, me pwan ekkewe ekkoch neni.

### **Ekkewe remedies ren ika pwe kose ketiw ren ekkewe service**

Non ewe resolution ren ewe otuturun state ren ewe SEA aa kuna nge ra mwánino ren ar rese awora ekkewe services, iwe SEA epwe address ini:

1. Ar kewe mwánino ar rese awora ekkewe service pachenong ekkewe corrective action appropriate ren ar repwe address ekkewe need ren ewe semirit (ren chowean ekkewe compensatory service ika ekkewe mwonien reimbursement); **me**
2. Epwe or ekkewe provisions ren ekkewe services ren meinisin ekkewe semirit mi or ar disability.

## **MINIMUM STATE COMPLAINT PROCEDURES**

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### **Keukun fansoun; keukun procedures**

Eu me eu SEA epwe pachenong ewe otuturun state procedures epwe pwan pachenong ewe keukun fansoun ren 60 pwinin maramen ran mwirin ewe otutur aa file ngeni:

1. Epwe carry out ewe independent ren on-site investigation, ika pwe ewe SEA aa nuku nge ewe investigation nge mi necessary;
2. Ngeni ewe chon otutur ewe fansoun an epwe wanong pwan ekkewe ekkoch tichikin porous, non aporous ika non mak, ren ekkewe allegations non ewe otutur;
3. Awora ngeni ewe school district ika ekkewe ekkoch public agency ngeni ewe fansoun repwe

penuweni ewe otutur, pachenong; ewe minimum: (a) ren ewe option an ewe agency, ewe proposal an epwe angang won ewe otutur; **me** (b) ewe fansoun ren ewe iin me sam an epwe file ewe otutur me ewe agency an epwe tipeu ngeni an epwe engage non ewe mediation;

4. Katoneoch ekkewe eucheane porous ren an epwe fis ewe pwungun finata ika ewe school district ika ewe eu public agency mi atai eu ekkewe requirement an Part B ren IDEA; **me**
5. Wau ewe taropwen pwungun finata ngeni ewe chon otutur pwe epwe fosun ekkewe allegation me non ewe otutur ren (a) ekkewe metoch sa kuna nge mi pwung me ekkewe conclusions; **me** (b) ewe saingonon pwungun finata an ewe SEA me met wewen aa ina.

### **Awatenon time; ewe pwungun finata; implementation**

Ewe State Educational Agency ren ar kewe procedure ren met mi afatetiwi me asan na epwe pwan:

1. Ngonuk ewe extension ren ewe 60 pwinin maramen-ran ren keukun fansoun ika pwe: (a) mi or eu fansoun osukosuk mi fis ren sufonun ewe eu state otutur ; **ika** (b) en ika ewe school district ika ewe eu public agency ami mi nomw non ewe tipeu ren ami oupwe awatenoi ewe fansoun ren ami oupwe tongeni resolve ewe osukosuk seni ewe mediation ika ewe local resolution.
2. Pachenong ekkewe procedres ren an epwe tawefich ewe implementation ren an SEA ewe pwungun finata, ika pwe mi needed, pachenong: (a) aninis ren ekkewe technical activities; (b) etipeu; **me** (c) epwe fis ewe epwungupwungun action ren an epwe fis ewe compliance.

### **Otuturun state me due process hearings**

Ika pwe ewe taropwen otuturun state aa kawor nge pwan subject in ren ewe due process hearing usun chok met aa tichikitiwi fan ewe heading **Filing a Due Process Complaint**, ika ewe otuturun state nge masowan ekkoch osukosuk ren eu ika fen napeseni nge pekkin pwan ewe arongorong, iwe ewe state epwe awesano ewe epek ren ar repwe address ini me non ewe arongorong tori an ewe arongorong aa wesino. Ika pwe mi or osukosuken ewe otutur nge esapw pwan chienen ewe due process hearing iwe epwe fis angangen ena metoch non ewe fansoun aa kawor me ekkewe procedures epwe fis usun chok met ewe aa fen atatetiwi me asan na.

Ika pwe mi or ewe osukosuk aa fisita me non ewe otutur nge ra fen angang won me non ewe due process hearing pwan chok ren ekkewe ruu parties (ren awewe chok, en me ewe school district), iwe ewe arongorong epwe fis ewe pwungun finata pwe epwene bind ini ewe osukosuk me SEA epwene pwan rong ekkewe otutur me met ewe binding aa finata.

Ewe otutur faniten an ewe school district ika ewe eu public agency aa or an mwánino me fori ewe due Process hearing ren ewe pwungun finata epwene eto seni SEA.

## **OMW KOPWE FILE EWE OTUTUR**

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Ewe organization ika emon ewe epwe file ewe taropwen otutur fan enurun ekkewe procedures mi afatetiwan asan na.

Ena otutur epwe pwan pachenong:

1. Eu statement nge ena school district ika ena eu public agency aa atai eu ekkewe requirement ren ewe Part B ren IDEA ika ekkewe implementing regulations non 34 CFR Part 300;
2. Ekkewe pwungun porous ena statement aa nomw won;
3. Ekkewe signature me contact information ren ekkewe chon file ewe otutur; me
4. Ika pwe ekkewe allegation ren ewe semirit:
  - (a) Iten ena semirit me an address ren ian ee kan nonomw ian ewe semirit;
  - (b) Iten an ewe semirit ewe nenien sukun;
  - (c) Ika pwe en semirit ika serafo mi homeless, iwe epwe kawor an kewe contact information ren ena semirit, me iten ewe sukun ena semirit ee kan no sukun ie;
  - (d) Tichikin porousen ena osukosuk ren ena semirit, pachenong ekkewe porous mi pwung mi weneiti ena osukosuk; **me**
  - (e) Ewe proposed resolution ren ena osukosuk iwe epwe pwan kawor ngeni ena chon wisen file ena otutur atun ena otutur aa fen file.

Ena otutur epwe pachenong ena osukosuk aa fisita nge esapw nuseni eu ier mwen ena pwinin maramen ena ranin otutur aa kawor usun chok met aa fen tichikitiw fan ewe heading ***Adoption of State Complaint Procedures.***

Ewe minneká chon wisen file ewe state otutur iwe epwe forward ini ewe kapin ena otutur ngeni ewe school district ika ewe eu public agency ee wisen serve ngeni ewe semirit pwan chok atun ewe fansoun ewe party aa file ewe otutur fiti ewe SEA.

# ANGANGEN FOFORUN EKKWE OTUTUR

## OMW KOPWE FILE EWE OTUTUR

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### General

En ika ewe school district ami mi tongeni oupwe request ewe due process hearing ika arongorong won ese pwan nifinifin osukosuk ren ewe proposal ika ewe refusal ren an epwe pwopwuta angangan ika ekkesiwin ewe identification, evaluation ika ewe educational placement ren noumw ewe semirit, ika ewe provision ren ewe free appropriate public education (FAPE) ngeni noum ewe semirit.

Masowen ena otutur nge epwe ena osukosuk ee fis esapw pwan nuseni ruu ier mwne en ika ewe school district oupwe sinei ika oupwe fen sinei ewe action ee pwopwuta me ian ewe form ren basis ren ewe otutur.

Ena timeline asan na iwe ese pwan apply ngonuk ika pwe kose file ewe arongorong request non ena timeline pwokiten:

1. Pwe ewe school district aa ekieki nge aa fen wesino ewe osukosuk aa or ewe otutur fanitan; ika
2. Ewe school district ese wau ekkewe porous ngonuk nge mi fen namot repwe ngonuk pwe mi nomw fan enurun ewe Part B ren IDEA.

### Porous ngeni iin me sam

ODE epwe uronuk ika pwe mi or ewe pekkin legal ese kamo ika mi mé kukkun me pwan ekkewe ekkoch service mi kawor me non neniomw na ika pwe ke mwochen ekkena porous. Ewe school district epwe pwan awora ekkewe porous ika pwe ke request ika en ika ewe school district ou file ewe otutur.

## MWOKUTUKUTUN EWE OTUTUR

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### General

Ika pwe ke mwochen ew arongorong, en ika ewe school district (ika noumw ewe sou ennuK ika noun ewe school district ewe sou ennuK) repwe wanong ewe request ren ewe arongorong ngeni ewe eu party. Ewe arongorong ke request nge epwe anomwu meinsin ekkei metoch aa makketiw fan ei iwe epwe pwan nomw non mwonomwon.

Ion ewe ee wisen file ewe otutur iwe epwe pwan awora ngeni SEA echo kapin ena request ren eu arongorong.

### Masowen ena arongorongen request

Ena request ren eu arongorong nge epwe pachenong:

1. Iten ewe semirit;
2. Ewe address ren iawe ewe semirit ee nonomw ie;
3. Iten an ena semirit ewe sukun;
4. Ika pwe ena semirit mi nonomw won homelessness, iwe pwan makketiw an ena semirit contact information me iten an ena semirit ewe sukun;

5. Tichikin porousen ena osukosuk ren ena semirit faniten ewe proposal ika ar rese mwochen fori ewe action, pachenong ekkewe pwungun porous ren ena osukosuk; **me**
6. Ewe proposed resolution ren ewe osukosuk me ewe mi kawor ren ewe otutur ika ewe chon otutur (en ika ewe school district) non ewe fansoun.

En ika ewe school district ami mi tongeni esapw or ewe due process hearing tori an en ika ewe school district (ika noum ewe sou ennuh ika noun ewe school district ewe sou ennuh) aa file ewe due process hearing request mi pachenong ekkena porous mi makketiw asan na.

### **Epwe unus masowen ewe hearing request**

Ren an ewe hearing request an epwe tongeni mwokut, iwe epwe akomw unus metoch meinisin. Ena request ren ena arongorong epwe tongeni unus (ika pwe meinisin ekkena metoch mi afatetiwan asan na mi tonong) chinon chok ika pwe ewe party repwe wisen angei ena request ren arongorong (en ika ewe school district) epwe esinesin ngeni ewe officer ren ewe arongorong me pwan ewe eu party non fofoun mak, non chok ewe 15 pwinin maramen ran ar angei ewe otutur, ewe party chon wisen angei epwe nuku nge ewe arongorong nge ese unus met ekkewe requirements aa fen makketiw me asan na.

Non chok ena nimwu ran an angei ewe esinesin nge ewe chon wisen angei (en ika ewe school district) ekiiki ewe otutur ika pwe ese unus, ewe officer ren ewe arongorong epwe pwan finata ika ewe otutur mi tori ekkewe requirements mi makketiw asan na, iwe epwe mwitir esine ngonuk me ewe school district non fofoun mak

### **Amendment of hearing request**

En ika ewe school district oupwe tongeni fori ekkewe ekkesiwin ngeni ena arongorong ika:

1. Chon ewe epek ren ewe party ir mi etiwa ekkewe ekkesiwin non fofoun mak iwe aa pwan or fansoun ar repwe tongeni awesi ewe request ren arongorong seni ew resolution ika chufengen, ina mi tichikitiwan non ena heading ***Resolution Process***; **me**
2. Esapw pwan mange seni nimwu ran mwen ena arongorong epwe pwopwuta, ewe officer ren ewe arongorong epwe wisen etiwa ika wau mwumwután ekkei ekkesiwin.

Ika pwe ekkewe chon otutur (en ika ewe school district) epwe or ekkewe foforon ekkesiwin ngeni ewe request ren arongorong, iwe ewe timeline ren ewe resolution chufengen (non chok ewe 15 ran omw ka angei ewe request ren arongorong) me ewe time period ren ewe resolution (non chok ewe 30 ran omw angei ewe request ren arongorong) iwe pwopwuta sefan atun ewe pwinin maram ewe amended otutur aa file.

### **Ewe school district epwe penwueni ewe otutur**

Ika pwe ewe school district ese mwo send ngonuk ewe taropwen esinesin, usun chok met aa fen makketiw fan ewe heading ***Prior Written Notice***, ren ewe subject matter mi nomw non noumw ewe otutur, iwe ewe school district epwe, non ewe 10 pwinin maramen ran ar process ini ewe arongorong, iwe repwe send ngonuk ena response ika penuwan na nge epwe pachenong:

1. Eu awewe ika pwata ewe school district aa propose ika refuse ar repwe fori ewe action mi nomw non ewe otutur;
2. Tichikin porousen ekkewe pwan ekkoch option ren an noumw ewe semirit ewe individualized education program (IEP) Team repwe pwan anomwu non ar ekiik me awewei ika pwata ekkewe options rese ketiw;

3. Tichikin eu me eu ekkewe evaluation procedures, assessment, rekot, me repot seni ewe school district re ani nongonong ren faniten ar proposed ika refuse ena action; **me**
4. Tichikin porous ren ekkewe pwan ekkoch factor mi pwan namot ngeni an ewe school district ewe proposed ika ren ar rese mwochen fori ewe action.

Epwe kawor ekkewe porous non items 1-4 ren asan na nge esapw tongeni epwe epeti ewe school district seni ar repwe era pwe ese unus omw ewe due process hearing ke request.

### **Ekkewe pwna ekkoch parties repwe penuweni ewe otutur**

Chinon chok ika pwe mi stated ika makketiw fan ena sub-heading, ***School district epwe penuweni ena otutur***, ewe chon epwe wisen angei ewe otutur epwe, non ewe 10 pwinin maramen ran mwirin ar angei ewe hearing request, repwe send ngeni ewe eu party ika penuwenir ngeni met ewe re ani osukosuk non ewe hearing request.

### **MODEL FORMS**

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Ewe SEA epwe developini ewe model form ren an epwe tongeni anisuk me file we arongorong me an epwe tongeni anisuk me chon ewe epek an oupwe file ewe otutur minen state. Nge, omw ewe state ika ewe school district esapw pwan require omw kopwe aea ekkei model forms. En mi tongeni kopwe chok aea an state ewe model form ika ekkewe forms mi eoch omw kopwe aea, nge epwe chok eoch ika pwe mi anomwu ekkewe tichikin porous ren omw kopwe file ewe arongorong ika request ewe otutur ika ewe otutur minen state.

### **EW E SEMIRIT PLACEMENT NUPWEN AA FIS EWE OTUTUR ME EWE ARONGORONG RA CHOK NOMW WON PENDING**

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Chinon chok ika pwe mi nomw fan ewe heading ***FOFORUN ANGANGEN FEN NGENI EWE SEMIRIT MI OR AN DISABILITY***, nupwen ewe arongorong aa sent ngeni ewe eu party, iwe ewe resolution process time period, me nupwen aa or ewe utiwitin pwungun finata ren ekkewe arongorong me ekkewe court proceeding, chinon chok ika en ika ewe school district ouwa tipeu fengen, noumw ewe semirit epwe chok nomwono non an ewe pwisin educational placement.

Ika pwe ewe otutur mi involve ewe application ren ewe admission ngeni ewe public school, noumw ewe semirit, fiti omw mwumwutá, iwe repwe wanong non ewe regular public school program tori an wesino ekkei proceedings.

Ika pwe ei otutur mi pwan nom ewe application ren ewe service fan ennurun ewe Part B ren ewe IDEA ren faniten noumw ewe epwene transition seni an nomw fan enurun Part C rene we IDEA ngeni Part B ren ewe IDEA nge ese chiwen eligible ngeni Part C service pwe ese semirit aa tori unungat ierin, iwe ewe school district ese pwan require an epwe awora ewe Part C service ngeni noumw na semirit pwe mi fen pwisin angei. Ika pwe ewe semirit aa pwá pwe mi eligible fan ewe Part B ren IDEA nge en mi mwutatá noumw ewe epwe angei ekkei special education me ekkewe ekkoch services ren an epwe ewin angei, iwe, ewe pending outcome ren ewe proceeding, ewe school district epwe awora ewe special education me ekkewe pwan ekkoch servies ese pwan nomw non ena dispute (ren ewe en me ewe school district ouwa fen etipeu won). Ika pwe ewe hearing officer non ewe arongorong aa fis seni ewe State Educational Agency aa tipeu ngonuk omw kopwene siwini ewe placement pwe mi eoch, iwe ewe placement epwe usun chok an noumw ewe educational placement ren noumw ewe epwene nonomw ie nge epwene utiwitin ewe pwungun finata seni ewe impartial due process hearing ika ewe court proceeding.



## **ANGANGEN EWE RESOLUTION**

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### **Resolution meeting**

Non ewe 15 pwinin maramen ran omw angei ewe esinesin ren ewe otutur, iwe fen pwan mwen ewe arongorong epwe pwowutá, ewe school district epwe anomwu eu meeting ika chufengen fanitomw me pwan ekkewe ekkoch member ren ewe individualized education program (IEP) Team ir mi sinei ekkewe pwungun porous ren masowen ewe otutur. Ewe chufengen:

1. Epwe pachenong ewe representative seni ewe school district mi or an nemen an epwe finatá won winikapen ena school distirct; **me**
2. Esapw pwan pachenong ewe sou ennuK noun ewe school district chinon chok ika epwe pwan nomw noum ewe sou ennuK.

En me ewe school district oupwe katon ekkewe chochon ewe IEP Team re eto fiti ewe chufengen.

Pwopwunapen ei chufengen iwe ren fanitomw omw kopwe tongeni fosun ewe arongorong ke request, me ekkewe pwungun porous ren ewe form ika nongonongun ewe request, pwe ewe school district epwe tongeni or an fansoun epwe angang won ewe dispute.

Ewe resolution meeting ese pwan ii namot ika:

1. En me ewe school district ouwa etipeu fengen non mak ami oupwe waive ini ewe chufengen; **ika**
2. En me ewe school district ouwa etipeu fengen ami oupwe aea ewe mediation process, usun chok met aa fen tichikitiw fan ewe heading ***Mediation***.

### **Resolution period**

Ika pwe ewe school district ese resolve ewe due process hearing request complaint ngeni omw ewe satisfaction non ukukun ewe 30 pwinin maramen ranin omw keran angei ewe request (non ewe fansoun time period ren ewe resolution process), ewe due process hearing ina epwene pwan fis.

Ewe 45-pwinin maramen-ran timeline ren ar wau ewe final due process hearing pwungun finata, usun chok met aa fen mak fan ewe heading ***Hearing Decisions***, aa pwopwuta mwirin an expire ewe 30-pwinin maramen-ranin ewe resolution period, mi or ekkewe exceptions ren adjustments ngeni ewe 30-pwinin maramen-ranin ewe resolution period, usun chok met aa tichikitiw me fan na.

Me nukun chok ren en me ewe school district ouwa etipeu fengen ami oupwe waive ini ewe resolution process ika aea ewe mediation, ami ousapw participate non ei resolution meeting iwe ina met epwe amangano ewe timeline ren ewe resolution process me ewe due process hearing tori an epwe fis ewe chufengen.

Ika, pwe mwirin ra fori ar kewe angang me fori taropwen ekkewe angang, ewe school district ese tongeni epwe angei omw ewe kopwe fiti ewe resolution meeting, iwe ewe school district mi tongeni epwe, mwirin an aa wesino ewe 30-pwinin maramen-ranin resolution period, request ewe hearing officer epwe dismiss omw ewe request ren ewe due process hearing. Epwe or taropwen ekkewe angang epwe pachenong ewe rekotun an ewe school district pe me fori fansoun ami oupwe tori ewe etipeu ou tipeu ngeni ren ewe kunok me neni, ren chowean:

1. Tichikin ekkewe rekotun kokon fon ika ar pe me koko nge ekkewe fon ese penu;
2. Kapin ar mak ngonuk ika send ngonuk taropwe me met penuwna kewe ka ngenir; **me**
3. Tichikin porousen rekotun ekkewe visit ika ar churuk me ren imwom ewe ika omw ewe nenien angang me ekkena results ren ekkena chufengen.

Ika pwe ewe school district ese tour ngeni an epwe anomwu ewe resolution meeting non ewe 15 pwinin maramen ranin ewe esinesin omw ka angei ren ewe due process hearing request **ika** fail an epwe fiti ewe resolutionmeeting, iwe en mi tongeni kopwe tingorei ewe hearing officer epwene pwopwuta ewe 45-pwinin maramen-ranin ewe due process hearing timeline an epwene pwopwuta.

### **Adjustments ngeni ewe 30-pwinin maramen-ranin resolution period**

Ika en me ewe school district ouwa tipeu non mak ren ami oupwe waive ini ewe resolution meeting, iwe ewe 45-pwinin maramen-ranin timeline ren ewe due process hearing epwe pwopwuta ewe next day.

Mwirin ena pwopwutan mediation ika ewe resolution meeting me mwen epwe mwuch ewe 30-pwinin maramen-ranin resolution period, ika en me ewe school district ouwa pwan etipeu fengen non mak nge esapw pwan or ewe tipeu epwe fis, iwe ewe 45-pwinin maramen-ranin ewe timeline ren ewe due process hearing epwene pwopwuta next day.

Ika pwe en me ewe school district ouwa etipeu ami oupwene aea ewe mediation process nge ouse mwo tori eu tipeu, iwe mwirin an aa wesino ewe 30-pwinin maramen-ranin resolution period ewe mediation process epwene sopwosopwono tori an aa or ewe tipeu ouwa tori ika pwe ekkewe ruu parties ra tipeu an epwene sopwosopwono non mak. Iwe nge, ika pwe en me ewe school district ouwa withdraw seni ewe mediation process nupwen mi chok sopwosopwono ewe period, iwe ewe 45 pwinin maramen-ranin timeline ren ewe due process hearing epwene pwopwuta non ewe next day.

### **Makken ewe settlement agreement**

Ika pwe ewe resolution ren ewe osukosuk aa tori ewe resolution meeting, en me ewe school district oupwe tonong non ewe legally binding agreement ren:

1. Epwe sain sonuk me seni ewe representative seni ewe school district ee or an nemenem an epwe bind ini ewe school district; **me**
2. Me tongeni epwe enforce ini ewe state court of competent jurisdiction (ewe state court mi or an nemenem an epwe rong ei sokkun case) ika ewe non district court me non ewe United States.

### **Etipeu ren ewe review period**

Ika en me ewe school district ou tonong non eu etipeu pwokiten ewe resolution meeting, ewe party (en ika ewe school district) ami mi tongeni epwene void ewe etipeu non ewe 3 business ran ren ewe atun ami me ewe school district oua sainsi ewe etipeu.

# EKKEWE ARGONGORONG REN MWOKUTUKUTUN EKKEWE OTUTUR

## IMPARTIAL DUE PROCESS HEARING

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### General

Inet chok aa or ewe request ren ewe due process hearing, en ika ewe school district ou nomw non ewe osukosuk iwe aa or ami fansoun ren ewe impartial due process hearing, usun chok met aa fen tichikitiw non ewe ***Due Process Complaint*** me ***Resolution Process*** sections.

### Impartial hearing officer

Ren ewe minimum, ewe hearing officer:

1. Esapw emon chon angang me non ewe SEA ika ewe school district epwe pwan nomw non an ewe semirit ewe education ika nonomwun ewe semirit nupwen an kaeo. Iwe nge, emon aramas esapw emon chon angangen ewe agency pwokiten ena aramas ewe tou niwinin seni ewe ODE ewe agency ee serve epwe wisen ewe hearing officer;
2. Esapw or an ewe personal me professional interest pwe epwe ina met ewe conflict ren ewe ALJ's objectivity Me non ewe arongorong;
3. Epwe sinei me weweiti ekkewe provisions non ewe IDEA, me federal me state regulations ren ewe IDEA, me ewe legal interpretations ren ewe IDEA seni ewe federal me sate court; **me**
4. Epwe pwan sinei me tongeni fori ekkewe arongorong, me tongei fori me makkei ekkewe pwungun finata, epwe consistent me eoch, standard legal practice.

Eu me eu ekkewe school district epwe anomwu eu list ren ekkewe aramas re serve usun ALJs me ar kewe statement ren ekkewe qualifications ren emon me emon.

### Ewe subject matter ren ewe arongorong

Ewe party (en ika ewe school district) ou request ewe arongorong ouse tongei oupwe pwan erau ekkewe osukosuk atun ewe arongorong nge rese mwo pwan fosun me non ena arongorong ke request, chinon chok ika ewe epek ee tipeu ngeni.

### Timeline ren ewe request faniten ewe arongorong

En ika ewe school district oupwe request ewe impartial hearing ren ewe due process complaint epwe non ukukun ewe ruu ier ren ewe pwinin maramen en ika ewe school district ami mi sinei ika ita ururun oupwe sinei ren ewe ika ekkewe osukosuk non ewe hearing request.

### Me nukun ewe timeline

Ena timeline asan na nge ese pwan apply ngonuk ika pwe kose file ewe due process hearing request pwokiten:

1. Ewe school district ee misrepresented nge re era nge ra resolve ini ewe osukosuk ika ewe issue ka awora ewe otutur fanitan; **ika**
2. Ewe school district ese ngonuk ekkewe porous mi required repwe wau fan enurun ewe Part B ren IDEA.

## **PWUNGUN ARONGORONG**

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### **General**

Mi or omw pwung omw kopwe pwisin represent pwisin en non atun ewe arongorong. Pwan kapachetán, ese pwan nifinifin ewe party ren ewe arongorong (pachenong ewe arongorong faniten ewe disciplinary procedures) mi or ewe pwung ngeni:

1. Epwe or ewe sou ennuke epwe fituk me epwe pwan afanafanok me/ika emon aramas mi sinei me mi train re pekkin ekkewe osukosuk ren semirit mi or ar disability.
2. Emon sou ennuke epwe wisen represet inuk me non ewe arongorong;
3. Epwe awora ekkewe pisekin pwáratá me confront, cross-examine, me require ekkewe witness repwe nomw;
4. Esapw or ewe introduction ngeni ekkewe pisekin pwáratá non atun ewe arongorong nge chon ewe epek rese pwan sinei non ewe nimwu business days aa fen no mwen ena arongorong;
5. Epwe or noumw ewe taropwen, ika, omw ewe option, ren electronic, fou-foun-fos ee rekot me non ewe arongorong; **me**
6. Kopwe anomwu non mak, ika, non pwisin omw finata, electronic findings ren ekkewe metoch ra kuna me ewe pwungun finata.

### **Pwan ekkewe kapachan tichikin porous ra kuna**

Epwe ukukun nimwu business ran mwen ewe due process arongorong, en me ewe school district oupwe ureni fengeni kemi meinisin ekkewe evaluations ra wesino ren pwinin maram me ekkewe recommendations anongonong won ekkewe evauations en me ewe school district ou mwochen ewe arongorong repwe aea.

Ewe hearing officer mi tongeni epwe epeti ese pwan nifinifin meni party ese fori wisan kewe mi require seni ewe introduction ren ekkewe euechean evaluation me ekkewe recommendation me non ewe hearing nge ese angei mwumwutá seni ewe epek.

### **An ekkewe iin me sam pwung non ewe arongorong**

Epwe or omw pwung ngeni:

1. Omw kopwe anomwu noumw ewe atun ewe arongorong;
2. Epwe suk ewe arongorong ngeni public; **me**
3. Rekotun ewe arongorong, met met ekkewe ra kuna me ekkewe pwungun finata non ena atun iwe esapw pwan kamo ngonuk.

## **PWUNGUNON EKKWE ARONGORONG**

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### **Pwungun finata an ewe Administrative Law Judge**

An ewe hearing officer ewe pwungun finata aa anongonong won ika ewe semirit mi angei ewe free appropriate public education (FAPE) based won ekkewe pisekin pwáratá me ekkewe arguments mi related ngeni FAPE.

Non ewe osukosuk ren ewe procedural violation (ren chowean “ese unuse ewe IEP Team”), ewe arongorong officer mi tongeni epwe kuna ngen noumw ewe ese angei ewe FAPE ika pwe ewe procedural violation ee:

1. Pwan angenong non an noumw ewe semirit ewe pwung ngeni ewe free appropriate public education (FAPE);
2. Angenongi non omw ewe fansoun omw kopwe tongeni fiti ewe pwungun finata ren mwokutukutun ewe provision ren ewe free appropriate public education (FAPE) ngeni noumw ewe; **ika**
3. Aa fisi ngeni noumw ewe semirit an esapw angei ekkewe educational benefit.

Ekkei provisions aa tichikitiw asan na iwe mi tongeni epwe epeti an ewe hearing officer an epwe order ini ewe school district an epwe comply ika fiti ekkewe requirements non ewe procedural safeguards section ren ewe federal regulations fan enurun ewe Part B ren IDEA (34 CFR §§300.500 tori 300.536).

### **Epwe or ewe kaimwu fesen ren ewe due process hearing**

Eseor masowen ewe procedural safeguards section ren ewe federal regulation fan enurun ewe Part B ren IDEA (34 CFR §§300.500 through 300.536) epwe tongeni an epwe epetuk omw kopwe file ewe due process otutur faniten ewe pwan eu due process otutur aa fen file akomw ewe.

### **Ekkewe findings me ekkewe pwungun finata aa kawor seniewe advisory panel me ewe general public**

Ewe SEA ika ewe school district (meni chok aa wiseni omw ewe arongorong), mwirin ar tenau ekkewe personally identifiable information, iwe repwe:

1. Awora ekkewe findings me pwungun finata non ewe due process hearing me ewe appeal ngeni ewe state special education advisory panel; **me**
2. Repwe awora ekkena findings me pwungun finata epwe pwan kawor ngeni ewe public.

### **EKKEWE TIMELINE ME MWIRINON ARONGORONG; PWUNGUNON EWE PWUNGUN FINATA**

Ewe SEA epwe fori met esapw mange seni ewe 45 pwinin maramen ran ren mwirin an aa expire ewe 30-pwinin maramen ranin ewe resolution meeting **ika**, usun chok met aa tichikitiw fan ena sub-heading ***Adjustments to the 30-calendar-day resolution period***, esapw mange seni ewe 45 pwinin maramen ran mwirin an aa expire ewe adjusted time period:

1. Epwe pwungun finata sa tori me non ewe arongorong; **me**
2. Kapin ewe pwungun finata aa mail ngeni emon me emon ekkewe parties.

Ewe hearing officer mi tongeni epwe grant ewe specific extension ren fansoun epwe nuseni ewe 45-pwinin maramen-ranin ewe time period usun chok met aa tichikitiw asan na atun ewe party aa request (en ika ewe school district).

Eu me eu ekkee arongorong epwe fis non ewe atun me neni mi eochu ngonuk me noumw ewe semirit.

### **Pwungunon ewe pwungun finata**

Ewe pwungun finata aa fis atun ewe arongorong (pachenong ewe arongorong ren ewe disciplinary procedure) iwe aa final, me nukun ika pwe eu ekkewe partry ren ewe arongorong (en ika ewe school district) oupwe appeal ewe pwungun finata ren ami oupwe watto ewe civil action, usun chok met aa fen tichikitiw fan ena heading ***Civil Actions, Including the time Period in Which to File Those Actions.***

### **CIVIL ACTIONS, PACHENONG EWE TIME OMW KOPWE TONGENI FILE EKKENA ACTIONS**

#### **General**

Ese pwan nifinifin party (en ika ewe school district) nge ese tipeu ngeni met ekkewe ra kuna me ewe pwungun finata non ewe due process hearing (pachenong ewe hearing ren ewe disciplinary procedures) iwe mi or an pwungun an epwe or ewe civil action fiti sufonun ewe subject ren ewe due process hearing. Ei action mi tongeni epwe eto non ewe state court ren competent jurisdiction (ewe state court mi or an nemenem an epwe rong ekkei sokkun case) ika non ewe federal district court ina mwo resapw pwan nengeni ewe ukukun non dispute.

### **Time limitation**

Ewe party (en ika ewe school district) epwe wisen uwei ewe action iwe aa or ewe 90 pwinin maramen ran seni ewe pwinin maram ren ewe pwungun finata an ewe hearing officer an epwe file ewe civil action.

### **Pwan ekkoch procedures**

Ren ese nifinifin ekkewe civil action, ewe imwen kepwung:

1. Ee kan angei ekkewe rekotun administrative proceedings;
2. Rongorong ngeni ekkewe pwan ekkoch pisekin pwáratá ke request ika ewe school district ee request; **me**
3. Ren anonga ar ewe pwungun finata won ewe preponderance ren ewe pisekin pwáratá iwe aa grant ewe relief nge ewe imwen kepwung aa nuku met ewe mi eoch.

Fan ekkewe appropriate circumstance ika fansoun, ewe judicial relief mi tongeni epwe pwan pachenong ekkewe reimbursement ren memen ewe private school me ewe compensatory education services.

### **Jurisdiction of district courts**

Ewe district court ren ewe United States mi or an nemenem won ekkei actions aa waroto fan ewe Part B ren IDEA esapw pwan ekieki ukukun ewe dispute.

### **Ennukun construction**

Eseor non ewe Part B ren IDEA epwe tongeni emwochu ika ekukunu omw kewe pwung, procedures, me ekkewe remedies mi kawor fan enurun ewe U.S. Constitution, ren ewe Americans with Disabilities Act of 1990, Title V ren ewe Rehabilitation Act of 1973 (Section 504), ika ekkewe ekkoch ennukun federal ee tumwunu ekkewe pwung ren ekkewe semirit mi or ar disability, chinon chok ika mwen ewe civil action epwe file fan enurun ekkei ennuke nge ka kuta ewe relief mi kawor fan enurun ewe Part B ren ewe IDEA, ewe due process procedure aa fen tichikatiw fan na nge epwe unus tori usun met repwe require ewe party ika pwe ee file ewe action fan enurun ewe Part B ren IDEA. Wewen ei nge ka fori ekkewe remedies mi kawor fan enurun ekkewe ekkoch ennuke re overlap ngeni ekkewe mi pwisin kawor fan enurun ewe IDEA, nge non general, ren ar repwe angei ewe relief fan ekkena ekkoch ennuke, iwe kopwe akomw aea ekkewe mi kawor ngonuk ren ekkewe administrative remedies fan ewe IDEA (ren chowean ekkewe due process complaint ika otutur; resolution process, pachenong ewe resolution meeting; me ewe impartial due process hearing procedures) mwen an epwe no ngeni imwen kepwung.

## MEMEN EKKWE SOU ENNUK

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### General

Non ekkewe action ese pwan nifinifin ika ekkewe proceeding aa wareto fan enurun ewe Part B ren IDEA, iwe ewe imwen kepwung epwe award ngeni ekkewe sou ennuk memer kewe pwe pwan kapachan memen ngonuk, ika pwe ke prevail (ke win).

Non ewe action ika proceeding aa wareto fan enurun ewe Part B ren ewe IDEA, iwe ewe imwen kepwung, mi tongeni epwe men ngeni ekkewe sou ennuk memer kewe pwe ina kapachan ewe memen prevailing State Educational Agency ika ewe school district, repwe men ngeni noum ewe sou ennuk, ika pwe ewe sou ennuk: (a) file ewe otutur ika court case nge ewe court aa kuna nge eu frivolous, ika unreasonable, ika eseor foundation un; **ika** (b) sopweno ewe litigation nge aa eu frivolous, unreasonable, ika ese pwan chiwen or foundation; **ika**:

Non meni chok ekkewe action ika proceeding aa wareto fan enurun ewe Part B ren IDEA, non ewe imwen kepwung, iwe repwe award ngeni ekkewe sou ennuk memer kewe pwe ina kapachan memen ewe prevailing State Educational Agency ika ewe school district, repwe men ngonuk ika men ngeni noumw ewe sou ennuk, ika pwe ke request ewe due process hearing ika mwirinon ewe imwen kepwung aa sinei ewe imporper purpse, ren ar repwe osukosukok, repwe amangano, ika fori met ekkewe metoch ren an epwe wattenno memen ewe action ika proceeding.

### Award of fees

Ewe imwen kepwung epwe chok tongeni ngeni ekkewe sou ennuk memer kewe ren ekkei tetenin:

1. Ekkewe fees epwe anongonong won ewe memen ekkewe prevailing non ewe community non ewe action ika proceeding aa menita fan ekkei sokkun service mi furnished ren an eoch. Esapw or bonus ika ewe multiplier epwe tongeni fis nupwen repwe apacha ekkewe memen sou ennuk ren ar repwe angei.
2. Ekkewe memen sou ennuk esapw tongeni katou me memer kewe esapw reimbursed non ese pwan nifinifin action me proceeding fan enurun ewe Part B ren IDEA ren ekkewe services aa kawor mwirin aa fen wesino ewe taropwen offer ren settlement aa fen katou ngonuk ika:
  - a. Ewe offer aa fis non ewe fansoun aa tichikitiw seni ewe Rule 68 ren ewe Federal Rules of Civil Procedure ika, non ewe case ren ewe due process hearing, ese pwan nifinifin ren inet napeseni ewe 10 ran non ewe pwinin maram mwen ewe proceeding epwe pwopwuta.
  - b. Ei offer ese ketiw non ewe 10 pwinin maramen ran; **me**
  - c. Ewe imwen kepwung ika administrative hearing officer aa kuna nge ewe relief ka angei nge kose sani mwen ewe offer ren ewe settlement.

Ina mwo ika epwe or ekkei restrictions, ewe award ren ekkewe attorneys fees me ekkewe pwan ekkoch memer kewe epwe or Ngonuk ika pwe ke wineni omw ewe substantially justified omw kose etiwa ewe settlement offer.

3. Fees esapw awarded ngeni ekkewe mi related ngeni ewe chufengen an ewe individualized education program (IEP) Team ika pwe ewe meeting ese fis ren ewe pwungun administrative proceeding ika court action. Ekkewe fees esapw pwan awarded ren ewe mediation usun chok met aa fen tichikitiw fan ewe heading **Mediation**.

Ewe resolution meeting, usun chok met aa fen tichikitiw fan ewe heading **Resolution Process**, esapw ita eu meeting pwokiten ewe administrative hearing ika court action,

me esapw pwan considered eu administrative hearing ika court action faniten ekkei Attorney's fees provisions.

Ewe imwen kepung epwene ekukunatiw, usun chok met mi appropriate, ren ukukun men ekkewe sou ennuke repwe awarded ren fan enurun ewe Part B ren IDEA, ika pwe ewe court aa kuna nge:

1. En, ika noumw ewe sou ennuke, non ewe fansoun aa fis ewe action ika proceeding, aa fokkun angei mangeno ewe saingonon resolution ren ewe osukosuk;
2. Ukukun memen ewe sou ennuke ika ewe re authorize epwe awarded nge esapw pwan napeseni ewe rate ra fen era non ewe community ren ekkewe services mi chok pwan usun met ewe noumw kewe sou ennuke ra pwan fori, nene ren porouser, me ar angang;
3. Ewe atun fansoun ke noumw won me ekkewe legal services ra furnish nge re consider ewe nature ren ewe action ika proceeding; **ika**
4. Ewe sou ennuke ee represent en nge ese awora ngeni ewe school district ewe porous atun ewe due process hearing request esinesin usun chok met aa fen tichikitiw me non ewe heading ***Due Process Complaint***.

Nge ina, ewe court esapw pwan ekukunatiw ekkewe memen ika pwe ewe imwen kepung aa kuna nge ewe state ika ewe school district re amanga ewe resolution ren ewe action ika ewe proceeding an or ewe violation fan enurun ewe procedural safeguard provision ren ewe Part B ren IDEA.



# PROCEDURES NUPWEN EPWE FIS EWE FOFORUN FEN NGENI

## AN EWE SCHOOL PERSONNEL NEMENEM

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### Anongonong won eu me eu case

Ewe school personnel mi tongeni epwe ekiem e fansoun anongonong won eu me eu case, ika repwe kan katon ika epwe or ewe ekkesiwinin placement, epwe foruta ekkei nge epwe fiti ekkewe requirements ren ewe discipline, epwe pwan eochu ngeni ewe semirit mi or an disability nge ee atai ennuhun ewe school code of student conduct.

### General

Ika pwe repwe fori ewe angang faniten ekkewe semirit mi or ar disability, ekkewe school personnel ir mi tongeni, nge esapw pwan napeseni 10 ranin sukun epwe chok tetenin, atoua ewe semirit mi or an disability nge ee atai ekkewe ennuhun code of student conduct seni an ewe placement ngeni ewe interim alternative education setting, ika pwan eu setting, ika fen suspenini Ekkewe school personnel ir mi tongeni repwe apachata ekkewe pwan katoun ewe semirit esapw pwan napeseni ewe **10 ranin sukun** epwe chok tetenino non chok ena school year nge faniten ekkewe sokofesen osukosuk ren ewe misconduct, ren ekkewe katou mi tam nge esapw ren ekkesiwinin placement (katon ena heading ***Ekkesiwinin ewe Placement Faniten ewe Disciplinary Removals*** ren awewen).

Ika pwe ewe semirit mi or an disability aa tou seni an ewe placement aa ukukun **10 ranin sukun** non chok ena school year, iwe ewe school district epwe, atun ewe subsequent ranin katou non ena school year, epwe awora ekkewe service mi extent ina mi mak fan na ren ena sub-heading ***Services***.

### Kapachetan nemenem

Ika pwe ewe behavior aa atai ewe student code of conduct nge esapw eu manifestation ren an ewe semirit ewe disability (katon ena sub-heading ***Memeefatan ianewe ewe osukosuk ee eto me ian***) me ewe disciplinary ekkesiwinin ewe placement aa nuseni **10 ranin sukun** mi chok tetenino, school personnel mi tongeni epwe apply ewe disciplinary procedures ngeni ena semirit mi or an disability non ena chok sokkun manner me pwan chok ena fasnoun epwe ina usun ngeni ekkewe semirit ese pwan or ar disability, me nukun ika pwe ewe sukun ee awora ekkewe service ngeni ena semirit usun chok met aa fen afatetiw fan na fan ***Services***. An ewe semirit ewe IEP Team epwe katon ewe interim alternative educational setting ren ekkena service.

## SERVICES

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Ewe school district epwe chok require an epwe awora ekkewe service ngeni ewe semirit mi or an disability nge aa katou seni an ewe placement mi nonomw won non ukukun **10 ranin sukun days ika fen kukun seni** non ena school year, ika pwe mi awora ekkewe service ngeni ewe semirit nge eseor an disability nge ra pwan angei atouwa. Ena service mi kawor ngeni ewe semirit mi or an disability nge aa katou seni ewe placement ena semirit ee nonomw won iwe mi tongeni epwe kawor ngeni ewe interim alternative educational setting.

Ewe semirit mi or an disability nge aa katou seni ewe placemet ee nonomw won ren **napeseni 10 ranin sukun** me ewe behavior ese eto seni an ewe semirit ewe disability (katon ena subheading, ***Memeefatan ianewe ewe osukosuk ee eto me ian***) ika re atouwa nge faniten ewe special circumstances (iwe katon ena subheading, ***Special circumstances***) iwe repwe:

1. Sopweno me angei ekkewe educational services (ika pwe mi kawor ewe free appropriate public education), pwe epwe tongeni fori met ewe semirit epwe sopweno me fiti ewe general education currivulum, ina mwo ika epwe sokono ewe setting (mi tongeni epwe non ewe interim alternative educational setting), an epwe pwan tongeni progress pwe epwe tour ngeni ekkewe goals aa set out faniten an ewe semirit ewe IEP; **me**
2. Angei, ika pwe mi appropriate, ewe functional behavioral assesment, me ewe behavioral intervention servcies me modifications, ina met ra designed ren ar repwe tongeni anganga ewe behavior violation pwe esapw pwan tongeni fisi sefan.

Ika pwe ewe semirit mi or an disability aa katou seni ewe placement ee nonomw won non ukukun ewe **10 ranin sukun** non chok pwan ewe ier, me **ika** ewe katou ren iei faniten ewe **10 ranin sukun**mi chok tetenino ika fen kukun seni **me** ika pwe ewe katou esapw faniten ewe ekkesiwinin placement (katon fan na ren awewen), **iwe** ewe school personnel, non ewe consultation ren emon noun ewe semirit ewe sense, aa katon nge ekkewe service ir mi needed faniten ewe semirit an epwe tongeni sopweno an ewe general education curriculum, ina mwo ika epwe pwan sokono ewe setting, nge an epwe progress ika tour ngeni ekkewe goals ra fen set out me non an ewe semirit ewe IEP.

Ika pwe ewe removal ika ekkewsinin ewe placment (katon ena heading, ***Ekkesiwinin ewe Placement Faniten ewe Disciplinary Removals***), ren an ewe semirit ewe IEP Team aa kuna nge ekkewe service mi appropriate ngeni ewe semirit ren an epwe tongeni sopweno an ewe general education curriculum, ina mwo ika epwe nomw non eu setting mi sokono (ren ewe interim alternative education setting), me an epwe tongei progress non ewe chufengen ren Ekkewe goals aa fen set out me non an ewe semirit ewe IEP.

### **MEMEEFATAN IANEWE EE ETO ME IAN EWE OSUKOSUK**

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Non ewe **10 ranin sukun** meinisin ekkewe pwungun finata an epwene siwin ewe placement ren ewe semirit mi or an disability pwokiten ewe violation ren ewe code of student conduct (me nukun ewe removal ren ewe **10 ranin sukun** mi chok chichinino), iwe ewe school district, en, me ekkewe ekkoch member ren ewe IEP Team (ka nuku ika ewe school district aa nuku) nge repwe katon meinisin ekkewe euechean porous non an ewe semirit ewe file, pachenong an ewe semirit ewe IEP, me met noun kewe sense ra observe ini, me ekkewe pwan euechean porous aa tou sonuk:

1. Ika pwe ewe aramas ee nomw won kapas eis ee wisen fori ei osukosuk, ika mi or an direct me substanital relationship ngeni, an ei semirit ewe disability; **ika**
2. Ika pwe ewe aramas ee nomw won kapas eis nge faniten an ewe school district ese foreochu wisan kewe Me implement an ewe semirit ewe IEP.

Iwe ewe school district, en, me pwan ekkewe ekkoch member ren an ewe semirit ewe IEP Team oupwene katon ika ekkei conditions mi met, ewe conduct epwe pwan katoneoch ika ina met pwopwun an ewe semirit aa iwe sokkun faniten an ewe semirit ewe disability.

Ika pwe ewe school district, en, me pwan ewe member seni an ewe semirit ewe IEP Team aa nuku nge ewe conduct aa nomw won kapas eis nge ina pwungun finatan seni an ewe school district ar rese fori ewe IEP, iwe ewe school district epwe mwithir fori wiser ren an epwe awesi met ewe osukosuk aa fis.

## **Repwe katon eoch ewe behavior ika eu manifestation ren an ewe semirit ewe disability**

Ika pwe ewe school district, en me ekkewe ekkoch member ren ewe IEP Team ouwa nuku nge Ewe conduct aa eu manifestation ren an ewe semirit ewe disability, iwe ewe IEP Team:

1. Epwe fori ewe functional behavioral assessment, chinon chok ika pwe ewe school district ee fori ewe functional behavior assessment mwen ewe behavior epwe fis atun ewe ekkeswinin placment aa fis, me ewe implement ren ewe behavioral intervention plan ren ewe semirit **ika**
2. Ika pwe ewe behavioral intervention plan aa fen pin developed, iwe repwe katon ewe behavioral intervention plan, repwe pwan fori ika pwe mi need epwe for, ren an epwe tongeni angang won ewe behavior ika mwokutukut.

Me nukun usun chok met aa fen makketiw me non ewe sub- heading **Special circumstances**, ewe school district epwe eniwini noumw ewe semirit ngeni ewe placement ren ikkewe ie ee fen katou me ie, chinon chok ika en me ewe school district ou tipeu fengen ami oupwe siwini ewe placement ren pwan ina angangen ewe modification ren ewe behavioral intervention plan.

### **Special circumstances**

Ina mwo ika ewe mwokutukut ee pwopwuta seni an noumw ewe semirit ewe disability, ewe school personnel mi tongeni epwe atouwa ewe chon sukun me won ewe interim alternative educational setting (anongonong won an ewe semirit ewe IEP Team) epwe ukukun 45 ranin sukun, ika pwe noumw na semirit:

1. Mi uwei ekkewe pisekin efiengaw (katon ena wewe fan na) ngeni sukun, mi or pisekin efiengaw ren an ewe imwen sukun, winiorun ewe sukun, ika ikkewe ie ewe sukun ee afisi ie ar mwicheich fan enurun ewe jurisdiction ren ewe SEA ika ewe school district.
2. Mi sinei ika aea ekkewe drugs mi ennu (katon ena wewen fan na ) ika amomo ika anomwu nenien ewe amomo controlled substance (katon ena wewen fan na), nge mi nomw non sukun, unukun ewe sukun, ika nomw non ewe neni ewe sukun mi efisi ar ewe emwicheich fan enurun ewe jursidction ren ewe SEA ika ewe school district; **ika**
3. Aa efiengawa inis (katon ena wewen fan na) ren inisin emon ewe nge mi nomw non sukun, unukun ewe sukun, ika non ewe neni ewe sukun ee efisi ie ar ewe emwicheich fan enurun ewe jurisdiction ren ewe SEA ika ewe school distict.

### **Wewen**

*Controlled substance* wewen nge eu drug ika pwan eoch sokkun substance ra kuna fan enurun ewe schedules I, II, III, IV, ika V non ewe section 202(c) ren ewe Controlled Substances Act (21 U.S.C. 812(c)).

*Illegal drug* wewen nge eu controlled substance; nge ese pwan pachenong ekkewe controlled substance ir mi legal omw kopwe anomwu ika aea fan nonomwun ewe supervision ren emon licensed health-care professional ika mi legal omw kopwe anomwu ika aea fan nonomwun pwan emon mi or an authority fan enurun ewe Act ika ew ekkewe pwan ennukun federal.

*Serious bodily injury* usun chok metena aa fen apasa “seirous bodily injury” fan ena paragraph (3) ren subsection (h) of section 1365 of title 18, United States Code..

*Weapon* pwan eu sokkun wewe “dangerous weapon” fan ena paragraph (2) ren ena akomw subsection (g) ren section 930 of title 18, United States Code.

## Esinesin

Fan ewe pwinin maram ewe finata aa fis ren an epwene or ewe katoun ekkesiwin ren ewe placement ren noumw ewe pwokiten aa atai eu ekkewe ennuK ren chon sukun, iwe ewe school district epwe esinesin ngonuk ren ei finata aa fis, me pwan awora ngonuk ewe esinesinen foforon ewe safeguard.

## **EKKESIWININ EWE PLACEMENT FANITEN EWE DISCIPLINARY REMOVALS**

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Katoun noumw ewe mi or an disability seni an noumw ewe nonomw won ewe educational placement epwe chok eu **change of placement** ika:

1. Ewe katou epwe napeseni 10 ranin sukun tetenino chok; **ika**
2. Noumw ewe semirit aa fan fite an epwene katou pwokiten:
  - a. Ekkewe fite katou aa ukukun napeseni 10 ranin sukun non ewe school year;
  - b. Mwokutukutun ewe semirit aa pwan chok néné ngeni mwokutukutun kewe akomw Usun chok met aa katou ren;
  - c. Ren ekkei factors aa usun chok pwan tamen eu me eu ekkewe katou, epwe ukukun ewe fansoun noumw ewe aa katou, me ifa ukukun ekkewe katou ren eu me eu.

Ika mwo ewe minen katou mi chok chichinino ina minne aa or ewe ekkesiwinin placement iwe aa kan anongonong won eu-me-eu ekkewe case seni ewe school district me, ika pwe mi pwan or chon epeti, iwe repwe katon each seni ewe due processing me ewe judicial proceedings.

## **MEEFATAN EWE SETTING**

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Ewe individualized education program (IEP) Team ee kan wisen nengeni ekkewe interim alternative ren educational setting ren ekkewe repwe katou repwe **siwin ren ewe placement**, me katou fan enurun ewe subheadings **Kapachatan authority** me **Special circumstances**.

## **APPEAL**

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### **General**

en mi tongeni kopwe request eu due processing arongorong (katon ewe heading **Foforon Angangen Ekkewe Otutur**) ika pwe kose tipew ngeni:

1. Ekkewe pwungun finata ren ekkewe placement aa foruta seni enurun ekkewe discipline provisions; **ika**
2. Ewe manifestation aa kepwunguno usun chok met aa tichikitiw me asan na.

Ewe school district mi tongeni epwe request ewe due process otutur (katon asan na) ika pwe re nuku nge ika re anomwu ewe semirit nenian ewe ren ewe placement iwe epwe ku noumw ewe fiengaw ika ekkoch me nukun.

## **Nemenemen ewe hearing officer**

Ewe hearing officer mi tori ewe requirement mi tichikitiw fan ewe subheading ***impartial hearing officer*** iwe epwe wisen fori ewe due process hearing me pwan wisen fori ewe pwungun finata. Ena hearing officer mi tongeni epwe:

1. Eniwini noumw ewe mi or an disability ngeni ewe placement ke wattiw seni ika pwe ena hearing officer aa nuku nge omw ewe wattiw nge ka atai ekkewe requirements mi tichikitiw fan ena heading ***Nemenemen ewe School Personnel***, ika mwokutukutun noumw ewe semirit aa iwe sokkun pwokiten an ewe disability; **ika**
2. Epwe or ewe order ren ekkesiwinin ewe placement ren noumw ewe mi or an disability epwe nomw non ewe interim alternative educational setting esapw pwan nuseni 45 ranin sukun ika pwe ewe hearing officer aa nuku nge epwe nomwotiw non an ewe placement pwe mi tongeni epwe fen efiengawa pwisin ii ika ekkoch me nukun.

Ekkei arongorong mi tongeni sipwe enni wini, ika pwe ewe school district aa nuku nge ar repwe eniwini ewe semirit ngeni pwisin an ewe placement akomw iwe mi tongeni epwe fen fiengaw ren ika fen awora fiengaw ngeni ekkewe ekkoch me nukun.

Inet chok en ika ewe school district aa file ewe due process ren ewe otutur pwe epwe or ewe arongorong, iwe ewe arongorong epwe fis nge epwe or ekkei requirements mi afatetiw fan ena heading ren ***Foforun Angangen Ekkewe Otutur*** me ***Arongorong ren Ekkewe Otutur***, chinon chok ekkei tetenin metoch:

1. Ewe SEA ika school district repwe fori ewe due process arongorong epwe mwitir, nge epwe fis atun **20** ranin sukun ren ewe pwinin maramen ewe arongorong aa requested iwe epwe pwungun finata epwe kawor non **10** ranin sukun days mwirin ena arongorong.
2. Chinon chok ika en me ewe school district ouwa etipeu fengen non mak pwe esapw chiwen fis ewe chufengen, ika ouwa etipeu ami oupwene aea ewe mediation, ewe chufengen ren resolution epwe fis non ewe **fisu** pwinin maramen ranin omw angei ewe esinesinen due process otutur. Ewe arongorong mi chok tongeni epwe sopwosopwono chinon chok ika pwe ewe osukosuk aa fen wesino ren ami ouwa tipeu fengen ren ekkewe ruu parties non **15** pwinin maramen ranin ewe taropwen due process ren ewe otutur.

En ika ewe school district ami mi tongeni oupwe appeal ini ewe pwungun finata an epwe mwitir ewe due process hearing ika arongorong usun chok ewe pwungun finata ren pwan ekkewe ekkoch due process arongorong (katon ewe heading ***Appeal***).

## **PLACEMENT ATUN EWE APPEALS**

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Ika pwe as tori, usun chok met aa tichikitiw asan na, iwe en ika ewe school district ami mi tongeni file ewe due process otutur ren faniten ewe disciplinary matter, iwe noumw ewe semirit epwe (chinon chok ika pwe en me ODE ika ewe school district ouwa etipeu) epwe nomwotiw non ewe interim alternative educational setting epwene chok utiwitin ewe pwungun finata ren ewe hearing officer, ika tori an aa expire ewe time period ren an epwe katou usun chok met mi kawor me met mi tichikitiw fan ewe heading ***Authority of School Personnel***, meni chok aa akomw.

## **TUMWUNUN EKKEWE SEMIRIT RESE MWO KETIW NGENI EWE SPECIAL EDUCATION ME RELATED SERVICES**

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### **General**

Ika pwe noumw ewe semirit ese mwo eligible ngeni ewe special education me ekkewe pwan related services iwe nge aa fen atai ekkewe ennuuk ren student conduct, nge ewe school

district mi sinei (ren usun met aa fen makketiw fan na) mwen ena mwokutukut epwe fis ina minne aa kawor ewe disciplinary action, iwe ena semirit mi or an disability, iwe noumw na epwene nomw fan tumwunuwen ekkewe metoch mi tichikitiw non ei esinesin.

### **Met ekkewe kopwe sinei ren ewe foforun fen**

Ewe school district mi tongeni epwe sinei nge noumw ewe semirit mi or an disability ika, mwen ewe osukosuken mwokutukutun aa awora met repwene fenei ren:

1. En mi wau mefiomw kewe non mak ngeni ewe supervisory ika administrative personnel ren ewe educational agency, ika ngeni noun noumw ewe ewe sense nge noumw ewe mi need special education me ekkewe related services;
2. En mi request epwe or ewe evaluation ren ewe eligibility ren ewe special education me pwan ekkewe related services fan enurun ewe Part B ren IDEA; **ika**
3. Noun noumw ewe sense ika ewe ekkoch school district personnel aa wau mefier kewe ren osukosuken noumw ewe ika mwokutukutun iwe ra ureni ewe school district director un special education ika pwan ngeni ekkewe ekkoch supervisory personnel seni ewe school district.

### **Chinon chok**

Ewe school district ese sinei ekkei tetenin metoch:

1. Kose mwutata ewe evaluation ren noumw ewe semirit, ika kose etiwa ekkewe special education services; **ika**
2. Noumw ewe semirit ra evaluate ini iwe ra kuna nge ii emon semirit ese or an disability fan enurun ewe Part B ren IDEA.

### **Ekkei conditions repwe apply ika pwe eseor ewe sinei**

Ika mwen ewe disciplinary measures ren noumw ewe, iwe ewe school district ese sinei nge noumw ewe nge emon semirit mi or an disability, usun chok met mi tichikitiw me asan na fan ena subheadings ***Basis of knowledge for disciplinary matters*** and ***Exception***, noumw na ina epwe fisingeni ewe disciplinary measure ee kan apply ngeni ekkewe semirit eseor ar disability nge re pwan fori ekkewe sokkun fofor ese eoch.

Nge, ika pwe ewe request aa fis ren faniten ewe evaluation ren noumw ewe emirit nge aa fen pwan sereni ewe fansoun noumw ewe semirit mi nomw fan ewe disciplinary measure, iwe an epwe evaluation epwe mwitir fis.

Tori an epwe tawe ewe evaluation, noumw ewe semirit epwe nomw non ewe educational placement ewe school authority aa nuku epwe nomw ie, mi pwan tongeni epwe pachenong an epwene suspen ika tou nge esapw pwan kawor ewe educational service.

Ika pwe ewe semirit sa nuku nge emon semirit mi or an disability, iwe sipwe anomwu ekkei porous seni ewe evaluation seni ewe school district, me ekkewe porous aa eto sonuk, ewe school district epwe awora ewe special education me ekkewe pwan related services fan enurun ewe Part B ren IDEA, pachenong pwna met ekkewe mi namot ren ewe disciplinary ren met mi fen afatetiw me asan na.

## **REFERRAL NGENI ME FOFOR SENI LAW ENFORCEMENT ME JUDICIAL AUTHORITIES**

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Part B ren IDEA nge ese kan:

1. Ennuku eu agency an epwe repotini eu foforongaw ewe semirit mi or an disability aa fori ngeni ekkewe authorities; **ika**
2. Epeti ekkewe state law enforcement me ekkewe judicial authorities ar repwe fori ar kewe pwungun angang faniten ewe application ren faniten ennukun federal me state ren ekkewe foforongaw aa fis seni ewe semirit mi or an disability.

### **Transmittal ren ekkewe rekot**

Ika pwe ewe school district aa oturu ewe semirit mi or an disability ren foforongawan kewe, iwe ewe school district:

1. Iwe epwe fori wisan kewe me angei kapin an ewe semirit ekkewe special education me ekkewe rekotun disciplinary iwe epwe ngeni ekkewe authorities ren io kewe ewe agency ee repotini ngenir ewe foforongaw; **me**
2. Epwe chok tongeni transmit ekkewe kapi ren an ewe semirit special education me rekotun disciplinary tori chok  
Met ewe masowen Family Educational Rights me Privacy Act (FERPA).

# **MET EKKEWE MI REQUIRE REN EWE PWUNGUN FINATAN PLACEMENT ME REN EKKEWE IIN ME SAM REN EKKEWE SEMIRIT NON EKKEWE PRIVATE SCHOOL MENIEN MWUUN**

## **GENERAL**

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Part B ren IDEA nge ese pwan require ewe school district an epwe meni ewe memen education, pachenong ewe special education me ekkewe pwan ekkoch service usun, ren noumw ewe semirit mi or an disability me non ewe private school ika neni ika pwe ewe school district mi awora ewe free appropriate public education (FAPE) ngeni noumw ewe semirit iwe ka pwisin finata kopwe wanong noumw ewe semirit non ewe private school ika neni. Nge, ewe school district ren ikkewe ie ewe private school ee nomw ie iwe repwe pwan apachanong noumw ewe semirit non ewe population ren ekkewe ir mi need fan enurun ewe Part B provisions ren ekkewe semirit iner me semer ra warenong non ewe private school fan enurun ewe 34 CFR §§ 300.131 tori 300.144.

### **Reimbursement faniten ewe private school placement**

Ika pwe noumw ewe semirit mi pin nomw non ewe special education me ekkewe service fan enurun ewe school district, nge ka finata pwe kopwe wanong noum ewe non ewe private preschool, elementary school, ika secondary school nge kose angei mwumwutá ika ewe school district ese refer ngonuk ie, iwe ewe imwen kepung ika ewe officer ren ewe arongorong mi tongeni epwe ureni ewe agency nge epwe mén ngonuk sefan memen ewe enrollment ika pwe ewe imwen kepung ika ewe officer seni ewe arongorong aa kuna nge ewe agency nge ese awora ewe free appropriate public education (FAPE) ngeni noumw ewe semirit non ewe fansoun aa enroll iwe ina minne ena private placement mi ketiw. Ewe officer chon non ewe arongorong ika imwen kepung mi tongeni epwe era mi mi eoch omw ewe placement, ina mwo ika ewe placement ese tori ewe state standards an epwe tongeni apply ngeni ewe education aa kawor seni ewe SEA me ekkewe school district.

### **Mi keuk ewe reimbursement**

Ukukun ewe reimbursement mi tichikitiw asan na iwe mi tongeni epwe fen kukunutiw ika esapw fen ketiw:

1. Ika: (a) Ren ewe chufengen ren ewe individualized education program (IEP) ke fiti mwen omw kopwe atouwa noumw ewe semirit me non ewe public school, iwe kose esinesin ngeni ew IEP Team nge kose etiwa ewe placement ra ngonuk seni ewe school district aa kawor seni ewe FAPE ngeni noumw ewe semirit, pachenong omw era pwe mi or mefiomw kewe iwe ina pwata ka mwochen kopwene wanong noum ewe non private school nge mwuun epwe wisen meni; ika (b) epwe 10 business ran (pachenong ekkewe holidays mi sereni ena business ran) mwen omw kopwe atouwa noumw ewe semirit me non ewe public school, nge kose esinesin non taropwe ngeni ewe school district ena euclean porous;
2. Ika, mwen omw kopwe atouwa noumw ewe semirit me non ewe public school, ewe school district epwe awora ewe mak non taropwe ren an epwe esinesin ngonuk nge repwe evalute ini noumw ewe semirit (pachenong ewe statement ren ewe evaluation ren met pwopwun aa fis me ekkewe tichikin porous mi eoch me euchea), nge kose awora fansoun an noumw ewe semirit epwe angei ena evaluation; **ika**
3. pwe ewe imwen kepung aa kuna nge met ekkewe mwokutukutumw iwe eseor wewen. Nge, memen ena reimbuersement:



1. Esapw tongeni epwe kukunutiw ika ketiw ren faniten omw kose awora ekkewe esinesin ika: (a) Ewe sukun ee epeti an kosapw tongeni awora ewe esinesin (b) Kose angei ewe esinesin met ekkewe wisomw ren omw kopwe tongeni awora ewe esinesin ren met ekkewe aa tichikitiw asan na; ika (c) Omw kopwe fori met ekkena requirements mi afatetiw asan na iwe epwe tongeni an epwe efiengawa noumw ewe; **me**
2. Amwo, non an ewe imwen kepwung repwe fori metoch non mwonomwon ika ewe officer ren non ewe arongorong, esapw kukunutiw ika esapw ketiw faniten an ese unus met ekkewe mi required ren non ei esinesin ika: (a) Kose weweiti ika kose tongeni kopwe mak non English; ika (b) Omw kopwe fori met ekkena requirements mi afatetiw asan na iwe epwe tongeni an epwe efiengawa an noumw ewe semirit ekiek.