

SECTION III

OTHER LEGAL REQUIREMENTS & SPECIAL EDUCATION PROCEDURES

NOTICE OF PROCEDURAL SAFEGUARDS

Legal Requirements

In accordance with § 1415(d)(1)(A) of Title 20 of the United States Code, and § 300.504(a) of Title 34 of the Code of Federal Regulations, parents shall be given a copy of their rights and Procedural Safeguards, also known as Parent Rights, one time a school year. Parents should also give given a copy of the Procedural Safeguards:

1. Upon initial referral or parental request for assessment.
2. Upon receipt of the first state complaint under § 56500.2 in a school year.
3. Upon receipt of the first due process hearing request under § 56502 in a school year.
4. When a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct in accordance with § 300.530(h) of Title 34 of the Code of Federal Regulations.
5. Upon request by a parent.

A district may place a current copy of the Procedural Safeguards notice on its internet web site, if such web site exists.

A copy of the notice of Parent's or Guardians' Rights shall be attached to any assessment plan. A written explanation of all the Procedural Safeguards under the Federal prior written notice (PWN) (IDEA) and the Rights and Procedures contained in Chapter 5 (commencing with EC § 56500) shall be included in the notice of a Parents' or Guardians' Rights, including information on the procedures for requesting an informal meeting or due process hearing; the timelines for completing each process; whether the process is optional; and the type of representative who may be invited to participate.

The copy of the notice of Procedural Safeguards shall include the right to electronically record the proceedings of IEP meetings as specified in EC § 56341.

Legal References

EC 56301; EC 56321; EC 56321.5, 34 CFR 300:504

Local Procedures

Districts will provide parents a copy of procedural safeguards at the following times:

1. Upon initial referral for a special education evaluation. The copy of procedural safeguards must be attached to the proposed assessment plan presented to the parents.
2. One time per year. Each district must decide how and when this will be done. The district might send this notice out with the notice of all of the other rights that are sent to all parents at the beginning of each school year (Annual Parent Notification) OR at the annual review IEP meeting. Many districts choose to give a copy of the Procedural Safeguards prior to every IEP meeting, which ensures that parents receive it at least annually.
3. Whenever the district conducts a reevaluation, the copy of procedural safeguards must be attached to the proposed assessment plan presented to the parents.

4. The first time the district receives notice that the parent has filed a complaint with the California Department of Education.
5. The first time the district receives notice that the parent has requested a due process hearing.
6. When the district decides to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct. The key word here is “decides”. In other words, at the time the school administrator actually makes the decision to either suspend a student for a period of time that constitutes a change in placement (the 11th day of suspension in a single school year) or expel a student, the administrator must send the parents a copy of their procedural safeguards. For specific information on suspension/expulsion and what constitutes a change of placement, see the section of this manual titled Discipline.
7. Whenever the parent requests a copy.

Districts are encouraged to either put a copy of the Procedural Safeguards or a link to the SELPA web site on the district web site.

Local Forms

Districts must use the Procedural Safeguards developed by the SELPA. The Procedural Safeguards are available on the SELPA web site. APPENDIX B

REMINDERS

The district has to give parents a copy of procedural safeguards:

- Once a year – the district can decide when and how.
- With every assessment plan.
- The first time the parent files a complaint or due process.
- Whenever the district decides to remove a student for disciplinary reasons and the removal constitutes a change in placement.
- Whenever parents ask for a copy