

PROCEDURAL SAFEGUARDS

Parents/guardians of children with disabilities have specific educational rights under the Individuals with Disabilities Education Act (IDEA). These rights are called procedural safeguards. Individuals serving as parents/guardians, as well as adult students who have reached the age of majority and receive special education services, are entitled to these procedural safeguards. The IDEA requires that the District provide notice of these procedural safeguards in conjunction with several different events in the special education process.

The District/SELPA maintains a copy of the “Notice of Procedural Safeguards and Parents’ Rights” in the Special Education Information System (SEIS) Document Library. A copy of the procedural safeguards is also available in the parent handbook, and is electronically accessible through the California Department of Education - Parents Rights at: <https://www.cde.ca.gov/sp/se/qa/pssummary.asp>

A copy of the “Notice of Procedural Safeguards and Parents’ Rights” must be offered to the parent(s)/guardian a minimum of one time annually. Best practice suggests giving it to the parent(s)/guardian to review at the start of every IEP meeting. The District should also ensure that the parent(s)/guardian understands the notice by inquiring as to whether they have any questions or would like further clarification and document their receipt on the signature page of the IEP document.

(34 C.F.R. § 300.504.)

A copy must also be provided to parents:

- Upon initial referral or parental request for evaluation;
- When sending out an Assessment Plan and/or Prior Written Notice;
- Upon receipt of the first state complaint in the school year;
- Upon receipt of the first due process complaint in the school year;
- In accordance with disciplinary procedures; and/or
- Upon parental request.

(34 C.F.R. § 300.503, 300.504(a); 20 U.S.C. § 1415.)

Under the IDEA, the procedural safeguards notice must be:

1. Written in a language understandable to the general public; and
2. Provided in the native language of the parent or in another mode of communication that is used by the parent, unless it is clearly not feasible to do so.
 - a. If the native language or other mode of communication used by the parent is not a written language, then the school must take steps to ensure:
 - i. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - ii. That the parent understands the content of the notice; and

iii. That there is written evidence that these requirements have been met.
(34 C.F.R. § 300.504(d); 34 C.F.R. § 300.503(c).)