

PROCEDURAL SAFEGUARDS

20 USC 1412 (a) (6) 20 USC 1415

56205 (a), 56195.7 (a), 56195.8 (a)(3)

POLICY

It shall be the policy of the Sacramento County SELPA that children with disabilities and their parents shall be provided with safeguards throughout the identification, evaluation, placement process, and provision of a free appropriate public education to the child.

PROCEDURES

PROCEDURES FOR NOTIFICATION OF PROCEDURAL SAFEGUARDS

Students with disabilities and their parents/guardians shall be provided written notice of their rights in language easily understood by the general public and in the primary language of the parent/guardian or other mode of communication used by the parent/guardian, unless to do so is clearly not feasible. The notice shall include, but not be limited to, those rights prescribed by Education Code 56341. (Education Code 56341, 56506; 34CFR 300.503)

If the native language or other mode of communication of the parent/guardian in his/her native language or other mode of communication

1. The notice is translated orally or by other means to the parent/guardian in his/her native language or other mode of communication
2. The parent/guardian understands the contents of the notice

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parents/guardians of students with a disability upon: (20 USC 1415 (d))

1. Initial referral for evaluation
2. Each notification of an IEP meeting
3. Reevaluation of the student

4. Registration of a complaint

This notice shall include information on the procedures for requesting a resolution session, pre-hearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; and the right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341. A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (Education Code 56321, 56321.5)

In addition, this notice shall include the procedural safeguards relating to: independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present complaints; the student's placement while due process proceedings are pending; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parent/guardians of students in private schools at public expense; mediation; due process hearings; state-level appeals; civil action; and attorney's fees. (20 USC 1415 (d); 34 CFR 300.504)

(See Special Education Rights of Parents and Children—October 2000) CDE Publication