

SPECIAL INSTRUCTIONAL PROGRAMS

(Procedural Safeguards Notice)

The Federal Regulations at 34 C.F.R. 300.504 on Procedural safeguards notice read as follows:

"Sec. 300.504 Procedural safeguards notice.

(a) General. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, at a minimum--

- (1) Upon initial referral for evaluation;
- (2) Upon each notification of an IEP meeting;
- (3) Upon reevaluation of the child; and

(4) Upon receipt of a request for due process under Sec. 300.507.

(b) Contents. The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under Secs. 300.403, 300.500-300.529, and 300.560-300.577, and the State complaint procedures available under Secs. 300.660-300.662 relating to--

- (1) Independent educational evaluation;
- (2) Prior written notice;
- (3) Parental consent;
- (4) Access to educational records;
- (5) Opportunity to present complaints to initiate due process hearings;
- (6) The child's placement during pendency of due process proceedings;
- (7) Procedures for students who are subject to placement in an interim alternative educational setting;
- (8) Requirements for unilateral placement by parents of children in private schools at public expense;
- (9) Mediation;
- (10) Due process hearings, including requirements for disclosure of evaluation results and recommendations;
- (11) State-level appeals (if applicable in that State);
- (12) Civil actions;
- (13) Attorneys' fees; and

(14) The State complaint procedures under Secs. 300.660-300.662, including a description of how to file a complaint and the timelines

under those procedures.

(c) Notice in understandable language. The notice required under paragraph (a) of this section must meet the requirements of Sec. 300.503(c)."

The following is a summary of sources for procedures that may be found in law, regulation and district policy other than the A.D.E. sample:

- An opportunity for parent of a child with a disability to examine all records § 34 C.F.R. 300.501, Policy JR and Regulation JR-R (Student Records).
- Procedures to protect the rights of the child whenever the parents of the child are not known § 34 CFR 300.501.
- Prior written notice to the parents is to be provided upon specific instances § 34 C.F.R. 300.503.
- Procedures designed to ensure the prior written notice is in the native language of the parents, unless it clearly is not feasible to do so. If the district is unable after making an effort, to provide the notice in the native language of the parent, then the Department of Education (D. E.) should be contacted for assistance. See § 34 C.F.R. 300.503.
- Procedures for mediation shall be provided. Contact the A.D.E. for a list of mediators. See § 34 C.F.R. 300.507 *et seq.*
- An explanation of the State complaint procedure shall be provided § 34 C.F.R. 300.660 *et seq.*
- Due process procedures are to be included § 34 C.F.R. 300.507.
- Procedures that require the parent of a child with a disability, or the attorney representing the child, to provide notice within certain guidelines (it shall remain confidential) § 34 C.F.R. 300.507.
- Discipline procedures should be explained § 34 C.F.R. 300.507, and Policy JKD (Student Suspension/Expulsion).

POSTING AND DISTRIBUTION OF OMBUD INFORMATION

Every public school providing special education services shall post in a conspicuous location in the public school a notice regarding the office that contains a brief description of the services provided by the office and the name, address and phone number of the office and shall also post it online on the public school's website, if applicable. The public school providing special education services shall distribute information regarding the state Ombud at the beginning of every school year, in addition to providing the information as part of the annual individual education plan process prior to scheduling the first individual education plan meeting of each school year. The form of the notice shall be approved by the Ombud office.