Question: *What Procedural Safeguards are available for students with disabilities and their parents?*

Answer: *The Procedural Safeguards must include a full explanation of the procedural safeguards written in an understandable language/mode of communication relating to:*

- *independent educational evaluation;*
- *prior written notice;*
- *parental consent;*
- *access to educational records;*
- *opportunity to present complaints to initiate due process hearings;*
- *child's placement during pendency of due process proceedings:*
- *procedures for students who are subject to placement in an interim alternative educational setting;*
- *requirements for unilateral placement by parents of children in private schools at public expense;*

- *mediation;*

- *due process hearings, including requirements for disclosure of evaluation results and recommendations;*

- *surrogate parents;*

- *state-level appeals;*

- *civil actions;*

- *attorneys' fees;*

- *state complaint procedures.*

Question: *Why are Procedural Safeguards issued to parents?*

Answer: *Procedural Safeguards are issued to inform parents of their rights and their child's rights under IDEA.*

Question*: When are Procedural Safeguards issued?*

Answer: *The Procedural Safeguards, a description of parent's/child's rights under IDEA, must be given to the parents of a child with a disability, at a minimum upon:*

- *initial referral for evaluation;*
- *notification of an ARD/IEP meeting;*
- *re-evaluation/triennial of the child;*
- *receipt of a request for a due process hearing;*
- *refusal to provide services.*

Question: *Who is responsible to give and explain the Procedural Safeguards?*

Answer: *Procedural Safeguards should be mailed to the parent with Notice of ARD.*

All special education information is disseminated by the campus

administrator or person designated by the administrator. The initial

explanation of Procedural Safeguards should be given at the time of

initial referral.

Question: *Must the Procedural Safeguards be explained every time they are given?*

Answer: *NO.*

The Procedural Safeguards must be provided in the appropriate language or

mode of communication and explained upon initial referral and placement

into special education. A best practice is to offer to explain the Procedural

Safeguards to the parents at every ARD/IEP.

Question*: If Procedural Safeguards are offered to parents, can parents refuse a copy?*

Answer: *YES.*

If Procedural Safeguards are offered at the ARD/IEP meeting and the

parents turn them down, document efforts made to give them another

copy. For initial admission into special education, ensure that the

parents are given a copy and an explanation of their Procedural Safeguards.

Denote by checking the appropriate box on Procedural Safeguards Log and

note each time a Procedural Safeguards is given.