

**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.*