



PROCEDURAL SAFEGUARDS

Parents of children with disabilities from ages three through twenty-one have specific education rights under the Individuals with Disabilities Act (IDEA). These rights are called Procedural Safeguards. Individuals serving as surrogate parents and adult students aged eighteen and over who receive special education services are also entitled to these Procedural Safeguards.

The El Dorado County SELPA maintains a copy of the “Notice of Procedural Safeguards and Parents’ Rights” in the SEIS Document Library.

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

LEA/district must provide the parents of a child with a disability with notice of the procedural safeguards at least once every year. 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.
- Upon parental request.

Under IDEA, the procedural safeguards notice must be:

- Written in a language understandable to the general public; and
- 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. [§300.503(c)]

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:

- That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- That the parent understands the content of the notice; and
- That there is written evidence that these requirements have been met. [§300.503(c)]