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Procedural Safeguards | Level 2

## Overview of Procedural Safeguards

<p><b>Parent participation</b></p> <ul style="list-style-type: none"> <li>Provisions that help to ensure that parents have the opportunity to participate in meetings crucial to their child's education</li> </ul>	<p><b>Written notices</b></p> <ul style="list-style-type: none"> <li>The requirements related to prior written notice and the procedural safeguards notice</li> </ul>	<p><b>Selected other concepts and definitions</b></p> <ul style="list-style-type: none"> <li>Specifically, independent educational evaluation (IEE), surrogate parents, and the transfer of rights at the age of majority</li> </ul>
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## Parent Participation

### Access to educational records

Parents must have the opportunity to inspect and review all education records related to:

- Their child's identification, evaluation, and educational placement; and
- The provision of FAPE to their child.



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## Parent Participation

### Access to educational records

The right to inspect and review includes:

- The right to a response from the school to the parents' reasonable request for explanations and interpretations of the records;
- The right to request copies of records; and
- The right to have a representative inspect and review the records.

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## Parent Participation

### Parents have the right to:

- Request that their child's records be amended or attach their explanation to their child's records if not amended, and
- Request that their representative be given access to inspect and review the records.

### Public agencies must:

- Provide parents with appropriate notice of a meeting, and
- Use other methods to ensure parent participation in ARD meetings and placement meetings.

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## Parent Participation

Parents **have the right to participate** in meetings related to the:

- Identification, evaluation, and educational placement of their child; and
- The provision of FAPE to their child, including ARD meetings.

Parents are **members** of:

- The group that determines whether their child is a "child with a disability",
- The ARD committee of their child, and
- Any group that makes educational placement decisions for their child.

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# Parent Participation

## Appropriate Notice of Meetings to Parents

- Must be early enough to ensure parents have the opportunity to attend
- Must include the purpose, time and location of the meeting
- Must include who will attend the meeting
- Must tell parents they may invite individuals with knowledge or special expertise about the child
- Must include certain early childhood transition information, if appropriate

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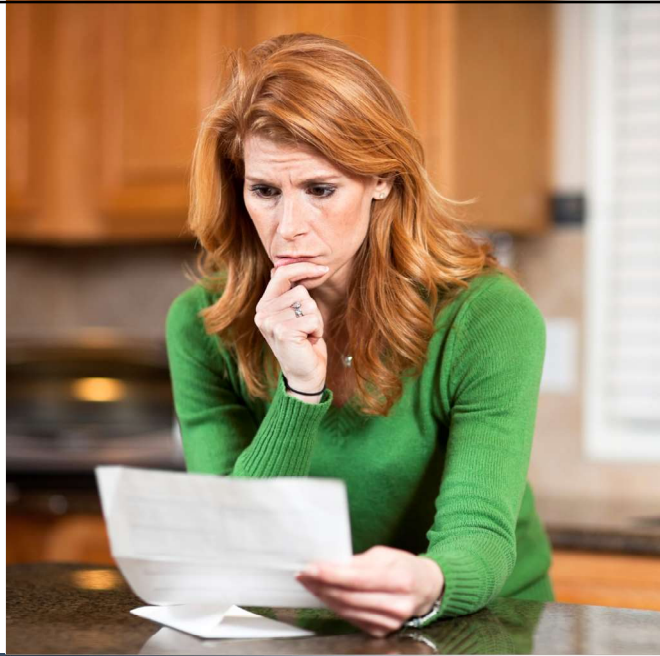
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## Prior Written Notice

### Written notice must be:

- Written in language understandable to the general public
- Provided in the native language of parent or other mode of communication used by parent\*

*\*Unless it is clearly not feasible to do so*



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## Procedural Safeguards Notice

- Is a comprehensive written explanation of procedural safeguards
- Must be provided to parents once per school year and with other specific actions
- Must be written in understandable language



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## Procedural Safeguards Notice

**When?** Once a school year except for the following circumstances:

- Upon initial referral or parent request for evaluation, including reevaluation,
- Upon receipt of first State complaint in a school year,
- Upon receipt of first due process hearing complaint in a school year,
- On the date of the decision to make a disciplinary change of placement for violation of code of student conduct, or
- When a copy is requested by a parent.

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## Procedural Safeguards Notice

### Must explain:

- Independent Educational Evaluations (IEE)
- Prior written notice
- Parental consent
- Access to education records
- Availability of mediation
- Child's placement during the pendency of any due process hearing
- Opportunity to present and resolve complaints through due process complaint and State complaint procedures including certain specific information

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## Procedural Safeguards Notice

### Must explain:

- Procedures for students subject to placements in an interim alternative educational setting (IAES),
- What is required if parents are seeking a unilateral private school placement at public expense,
- Hearings on due process complaints, including required disclosures,
- State-level appeals (if applicable in the State), and
- Civil actions and Attorney's fees.

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## Independent Educational Evaluation (IEE)

Parents who disagree with the school's evaluation may request an IEE at public expense.

Upon an IEE request, the school must inform parents of where one may be obtained and any applicable agency criteria.

School must either:

- Agree to pay for an IEE; or
- Request a due process hearing to defend its evaluation.



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## Independent Educational Evaluation (IEE)

- If the school successfully defends its evaluation, an IEE may not be at public expense.
- Results of an IEE that meet agency criteria whether at public or private expense must be considered when making any decisions about the provision of FAPE to the child.



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## Surrogate Parents

If needed to protect the rights of a child with a disability, a **surrogate parent may be appointed**, when:

- The child is a ward of the State under State law,
- The child is an 'unaccompanied homeless youth' under federal law,
- No parent can be identified for the child,
- The school, after reasonable efforts, cannot locate the child's parent, or
- The child is in temporary or permanent conservatorship of the Department of Family and Protective Services.

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## Age of Majority

- In general, age of majority is... the age when State law recognizes that an individual can exercise certain legal rights and responsibilities (e.g., entering into binding contracts, executing a valid will, and voting).
- In Texas, the age of majority is 18 years.
- IDEA'S age of majority provisions allow States, under certain circumstances, to transfer parental rights to the individual child.
- There is a special rule... for states that allow determinations that a child is unable to provide *informed consent* with respect to his or her educational program.

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## Dispute Resolution Options

- Discussion or conference
- ARD meeting
- ARD meeting facilitation
- Mediation
- Resolution meeting
- Due process hearing
- State complaint

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## Discipline Procedures

- Come into play when a student with a disability violates a school code of student conduct and is subject to disciplinary action



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## Additional Resources

- Partners Resource Network**  
PRNTexas.org
- U.S. Department of Education**  
ed.gov
- Wrightslaw**  
wrightslaw.com
- Texas Education Agency (TEA)**  
tea.texas.gov





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## Thank You

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-  Partners Resource Network  
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