Procedural Safeguards Notice (PSN)

Colorado Parent IEP Training Resource Document

COLORADO
Department of Education

What is the Procedural Safeguards Notice (PSN)?

The Individuals with Disabilities Education Act (IDEA) protects the right of parents to participate in their child's education through a group of requirements called the "Procedural Safeguards." Together, the procedural safeguards ensure that:

- parents have the right to make informed decisions about their child's educational programming and services.
- parents are told in advance about any proposed changes to their child's educational program.
- If parents do not agree with proposed changes or have concerns about their child's special education program, they have the right to challenge these decisions.

The Procedural Safeguards Notice (PSN) explains these rights. A link to Colorado's PSN, April 2024, is on the Colorado Department of Education (CDE) Individualized Education Program (IEP) page.

What are the key procedural safeguards?

The key procedural safeguards relate to the right of parents to:

- Be informed about their child's educational needs and special education program.
- Challenge decisions made about their child's special education program through dispute resolution.
- Challenge decisions made related to discipline, including through dispute resolution.

What if my native language is not English or I use another form of communication?

- The AU must provide the Procedural Safeguards Notice in the parent's native language or other form of communication used by the parent.
- The AU must ensure that parents are able to understand information about their child and can participate in the special education process.
- The meetings a parent attends, their child's special education evaluation, and all notices they receive must be written or spoken in their native language or other mode of communication they use.

What key procedural safeguards relate to being informed?

- Parents have the right to receive a complete explanation of the procedural safeguards. The PSN provides this explanation.
- Parents have the right to give or deny consent before certain actions can be taken. Parents can also change their mind and withdraw consent in writing. (See pp. 1 – 3 of the PSN.)
- Parents have the right to obtain an independent educational evaluation (IEE) of their child. If the parents disagree with the Administrative Unit's (AU) evaluation, they can request an IEE at public expense. (See pp. 5 - 7 of the PSN.)
- Parents have the right to be given "prior written notice" (PWN) on matters relating to the identification, evaluation, or placement of their child, and the provision of a free appropriate public education (FAPE) to their child. (See pp. 7 – 8 of the PSN.)

- Parents have the right to inspect and review their child's educational records. IDEA and other federal laws also protect the confidentiality of educational records (with some exceptions). Parents can also ask the AU to change their child's education record if they believe something in the record is wrong, misleading, or violates their child's privacy or other rights. (See pp. 8 – 10 of the PSN.)

What key procedural safeguards relate to challenging decisions related to a child's special education program?

- Parents have the right to request resolution through IDEA's dispute resolution options to disagree with decisions made by the AU.
- The IDEA dispute resolution options include Mediation, State Complaint, and Due Process Complaint. Parents can appeal a due process hearing decision in a lawsuit (subject to time limits). (See pp. 10 – 27 of the PSN.)

What key procedural safeguards relate to challenging decisions related to discipline?

- Before changing a child's placement for disciplinary reasons (as defined in IDEA), the AU must hold a Manifestation Determination Review (MDR) meeting to determine if the child's behavior was caused by or had a direct and substantial relationship to the child's disability or was caused by a failure to implement the child's Individualized Education Program (IEP). (See pp. 27-29 of the PSN.)
- A parent can request an expedited due process hearing to challenge a decision to change their child's current educational setting due to discipline or to challenge the findings of an MDR. (See p. 30 of the PSN.)

When must the PSN be given?

The AU must give parents a copy of the PSN **at least once every year** if their child receives special education services. Parents must also be given a copy of the PSN at the following times:

- If a parent or the AU asks for a child to be evaluated because they think the child may have a disability;
- If a parent files a state complaint with CDE, and it is their first complaint of the school year;
- If a parent files a due process complaint with the CDE, and it is the first time in the school year they have requested a hearing;
- If a child has been removed from school for disciplinary reasons for 10 days or more during the current school year;
- Before any IEP meeting to discuss placing a child on an abbreviated school day schedule; or
- Any time a parent asks for a copy.

Where can I learn more about the Procedural Safeguards?

- Learn more from the Colorado Department of Education's Parent IEP Training.
- Contact CDE's Office of Special Education.
    - **Phone:** 720-926-1453 / **Email:** Parents_ESSUquestions@cde.state.co.us

This CDE resource document is meant for informational purposes only, is not legally binding, and is not to be confused with legal advice. If you are seeking legal advice, please contact your legal counsel.