Parent's Notice of Procedural Safeguards

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FCSN – Family and Community Support Network

www.fcsn.org

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ABOUT FCSN

Our Aspiration & Mission – www.fcsn.org

Our Aspiration

Together we are building an inclusive world where every child and young adult experiences belonging and can participate equitably in life's opportunities.

Our Mission

We empower families, engage diverse communities, and eliminate barriers to improve life outcomes for all children and young adults, especially those with disabilities.

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BASIC RIGHTS • TRANSITION PLANNING

Learning Objectives

- Learn about your legal rights as a parent of a student with disabilities
- Understand your role in the IEP process
- Use these tools to advocate for your student



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Welcome to Special Education

The special education process can seem overwhelming. The Parent's Notice of Procedural Safeguard provides important information, but it is long and full of legal terms.

Let's break it down so you can feel confident in navigating your child's education.



https://www.doe.mass.edu/specialeducation/families/prb/pnps.pdf

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What are Procedural Safeguards?

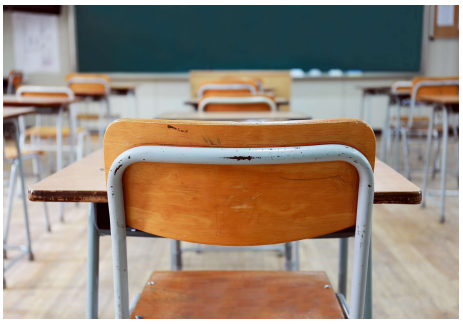
- Legal guarantees under IDEA – the Individuals with Disabilities Education Act and state law
- Safeguards are rules that dictate how decisions are made
- Use the Safeguards as a roadmap to collaborate with your school team



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When does a family receive the Notice?

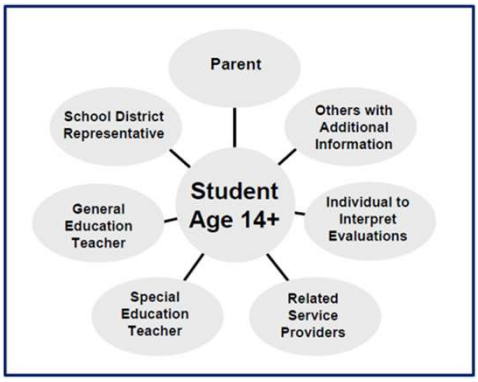
- At least **once every school year**
- Upon initial referral or your request for an evaluation
- The first time you file a formal state or due process complaint in a school year
- Upon a disciplinary change of placement (e.g., suspensions over 10 days)
- **Anytime you ask for a copy**



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Your Right to Information and Participation

- You are an equal member of the IEP team. You have the right to attend all meetings regarding your child's identification, evaluation, and placement.
- You can inspect, review, and request copies of all school records without unnecessary delay.

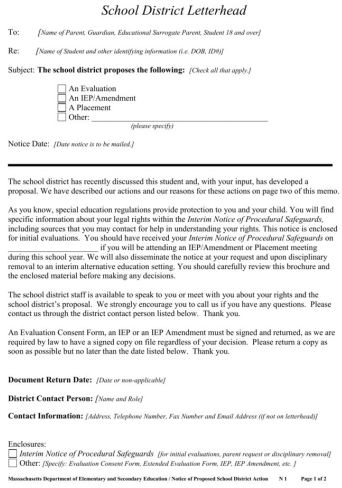


Prior Written Notice (PWN)

- One of the strongest protections
- District must give notice BEFORE it proposes or refuses to change a student's IEP or placement
- Notice explains what and why
- Provides a clear explanation of the district's reasoning and the data they used

Notice of Proposed School District Action

Notice of School District Refusal to Act



School District Letterhead

To: *[Name of Parent, Guardian, Educational Surrogate Parent, Student 18 and over]*

Re: *[Name of Student and other identifying information (i.e. DOB, ID#)]*

Subject: **The school district proposes the following:** *[Check all that apply.]*

☐ An Evaluation
☐ An IEP/Amendment
☐ A Placement
☐ Other: _____
(please specify)

Notice Date: *[Date notice is to be mailed.]*

The school district has recently discussed this student and, with your input, has developed a proposal. We have described our actions and our reasons for these actions on page two of this memo.

As you know, special education regulations provide protection to you and your child. You will find specific information about your legal rights within the *Interim Notice of Procedural Safeguards*, including sources that you may contact for help in understanding your rights. This notice is enclosed for initial evaluations. You should have received your *Interim Notice of Procedural Safeguards* on _____ if you will be attending an IEP/Amendment or Placement meeting during this school year. We will also disseminate the notice at your request and upon disciplinary removal to an interim alternative education setting. You should carefully review this brochure and the enclosed material before making any decisions.

The school district staff is available to speak to you or meet with you about your rights and the school district's proposal. We strongly encourage you to call us if you have any questions. Please contact us through the district contact person listed below. Thank you.

An Evaluation Consent Form, an IEP or an IEP Amendment must be signed and returned, as we are required by law to have a signed copy on file regardless of your decision. Please return a copy as soon as possible but no later than the date listed below. Thank you.

Document Return Date: *[Date or non-applicable]*

District Contact Person: *[Name and Role]*

Contact Information: *[Address, Telephone Number, Fax Number and Email Address (if not on letterhead)]*

Enclosures:
☐ *Interim Notice of Procedural Safeguards [for initial evaluations, parent request or disciplinary removal]*
☐ Other: *[Specify: Evaluation Consent Form, Extended Evaluation Form, IEP, IEP Amendment, etc.]*

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Informed Consent

You have the right to give or deny consent.

- School must get your consent – written permission – before conducting an evaluation or starting special education services
- Consent is voluntary
- You can withdraw your consent in writing at any time



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Educational Evaluations

District is required to evaluate a student for special education upon request/consent

The student will be evaluated in all areas of suspected disability

Families have the right to review the evaluation two 2 days before an IEP meeting

Independent Educational Evaluations (IEE)

- If you disagree with the school's evaluation, right to an IEE
- IEE should be conducted by a qualified evaluator who does not work for the district
- You can request that the district pay for the IEE
- District must "consider" the IEE

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Student Records

- Records include student transcript, tests, evaluations, attendance, health and discipline records.
- Right to review within 10 days of request and before IEP meeting or due process hearing
- Can obtain copies for a reasonable charge



What Happens When There is a Disagreement?

Families are encouraged to work with their schools to resolve disputes.

File complaint with Problem Resolution Service (PRS)

Ask for Mediation or Facilitated IEP

Request a Due Process Hearing and Settlement Meeting

Appeal to a State or Federal Court



Private Placement

A parent can enroll their student in a private school at private expense at any time.

If a parent believes the public school is not providing FAPE, they may choose to place them in a private school.

To purse district responsibility for costs:
- Must tell the district of their objections to student's program
- Reject the IEP
- Inform the district of intent to enroll in private school
- Request a BSEA hearing

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Transition Planning

Planning for life after high school starts at age 14 and will facilitate your student's ability to successfully participate in post-secondary education, employment and community life.

Planning should be based on student's strengths, interests and preferences.

Post-secondary goals are based on age-appropriate transition assessments.

Entitlement ends upon graduation (acceptance of diploma or attain age 22)

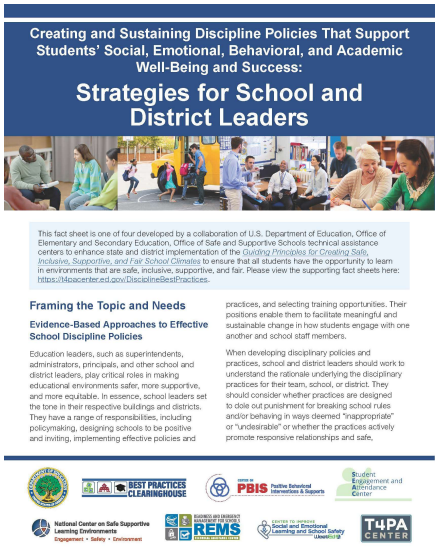
Resources:

- Charting the LifeCourse
- Autonomy Checklist
- Arc Transition Timeline
- Autism Housing Pathways Turning 18 Checklist

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School Discipline

- Schools must publish their Code of Conduct
- Any student may be suspended for disciplinary reasons up to 10 days, first must consider alternatives
- Long term suspension requires written notice and hearing
- Schools required to provide access to learning
- Additional protections for students on IEPs
- Manifestation Determination Hearing


Creating and Sustaining Discipline Policies That Support Students' Social, Emotional, Behavioral, and Academic Well-Being and Success:

Strategies for School and District Leaders

This fact sheet is one of four developed by a collaboration of U.S. Department of Education, Office of Elementary and Secondary Education, Office of Safe and Supportive Schools technical assistance centers to enhance state and district implementation of the *Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates* to ensure that all students have the opportunity to learn in environments that are safe, inclusive, supportive, and fair. Please view the supporting fact sheets here: https://hpscenter.ed.gov/DisciplineBestPractices.

Framing the Topic and Needs

Evidence-Based Approaches to Effective School Discipline Policies

Education leaders, such as superintendents, administrators, principals, and other school and district leaders, play critical roles in making educational environments safer, more supportive, and more equitable. In essence, school leaders set the tone in their respective buildings and districts. They have a range of responsibilities, including policymaking, designing schools to be positive and inviting, implementing effective policies and practices, and selecting training opportunities. Their positions enable them to facilitate meaningful and sustainable change in how students engage with one another and school staff members.

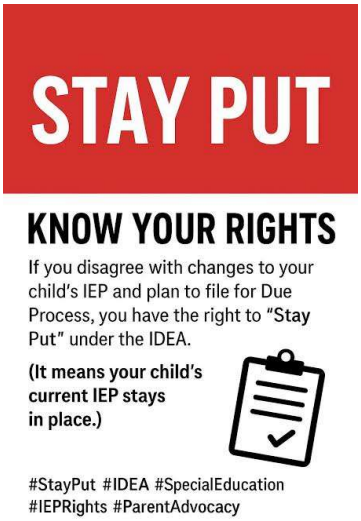
When developing disciplinary policies and practices, school and district leaders should work to understand the rationale underlying the disciplinary practices for their team, school, or district. They should consider whether practices are designed to dole out punishment for breaking school rules and/or behaving in ways deemed "inappropriate" or "undesirable" or whether the practices actively promote responsive relationships and safe,

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"Stay-Put" Protections

If the school proposes a change to your student's placement or services that you disagree with, stay-put is your safety net.

- Protects a student's current placement during a dispute
- If you file for a due process hearing, students stays in current placement until resolved
- Keeps student's routine and services stable



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Where to Find the Laws and Regulations

IDEA - https://sites.ed.gov/idea/

MA Special Education Regulations - https://www.doe.mass.edu/lawsregs/603cmr28.html

IEP Technical Guide - https://www.doe.mass.edu/specialeducation/iep/iep-technical-guide.docx

Policy Memos and Advisories - https://www.doe.mass.edu/specialeducation/policy/dese/advisories/

Parent's Guide to Special Education - https://www.doe.mass.edu/rlo/sped/parents-guide/index.html

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Some Common Abbreviations/Acronyms

Test your knowledge!

- IEP
- IDEA
- FAPE
- LRE
- FBA
- IEE
- OT/PT
- ESY

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Help Support FCSN

Please use our last few minutes to complete the evaluation.

Access the **Workshop Evaluation Survey 2026-27** link

- In the chat
- In the handout email
- Via the QR code.

Visit fcsn.org • Federation for Children with Special Needs

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LEARNING OPPORTUNITIES

Check Out Our Other Workshops!

Special Education

Referral, Evaluation, & Eligibility
Understanding the IEP
Transition Planning
FAPE in Action
Social Emotional Learning
School Discipline & Suspension
Chapter 688 Referral
Turning 3
What to do Instead of Discipline

Health & Mental Health

Developmental Childhood Trauma
Emergency Preparedness
Pediatric to Adult Healthcare
Self Care
Let's Get Organized
Intro to MassHealth
Personal Care Attendants
Autism Resources

Leadership & Advocacy

How to Advocate for your Child
Sharing Your Story
The Power of Parent Advocacy
The Disability Rights Movement
Welcome to SEPAC Leadership
Preparing for Your IEP Meeting

Sign up on our Workshop Calendar

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Thank You!

Federation for Children with Special Needs

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