

***Individualized Education Program:
Procedural Safeguards***

Notice of Procedural Safeguards

Parents have the right to receive a written notice of their procedural safeguards from the LEA before decisions affecting their child's special education and related services are put into place.

These include decisions to:

- (1) identify the child as a child with a disability, or change the child's eligibility from one disability to another;
- (2) evaluate or reevaluate the child;
- (3) provide a free appropriate public education to the child, or change a component of the child's free appropriate public education;
- (4) place the child in a special education program;
- (5) change the child's special education placement; or
- (6) revoke consent after consenting to the initial provision of services.

The LEA must inform parents/guardians about proposed evaluations of their child in a written notice or an assessment plan within fifteen (15) days of a written request for evaluation. The notice must be understandable and in the native language or other mode of communication or parent/guardian, unless it is clearly not feasible to do so.

Parents/guardians also have the right to written notice from the LEA if the LEA refuses the parent/guardian request to take these actions.

The Prior Written Notice must include the following:

- (1) a description of the actions proposed or refused by the LEA;
- (2) an explanation of why the action was proposed or refused;
- (3) a description of other options considered and the reasons those options were rejected;

- (4) a description of each assessment procedure, test, record or report used as a basis for the action proposed or refused;
- (5) a description of any other factors relevant to the action proposed or refused;
- (6) a statement that parents of a child with a disability are protected by the procedural safeguards; and,
- (7) sources for parents to contact to obtain assistance in understanding the provisions of this subchapter .

Parental Rights and Procedural Safeguards

A sample of the Tuolumne County Special Education Local Plan Area (SELPA) Notice of Parental Rights and Procedural Safeguards is attached at the end of this policy. Each member LEA may have their own copy of the Parental Rights and Procedural Safeguards, or refer to the attached copy.

Transfer of Parental Rights at Age of Majority

When a student with a disability reaches 18 years of age (unless determined to be incompetent by appropriate authorities), the LEA must provide any required notices to both student and parent/guardian. All educational rights transfer to the student at the age of majority, and the LEA must notify the student and the parent/guardian of this transfer of rights.

References: EC 56041.5
EC 56301
EC 56321
EC 56500.4
34 CFR 300.504
34 CFR 300.520

SELPA Publications: Notice of Procedural Safeguards