

5. Procedural Safeguards & Parent and Student Rights*

Federal Guidelines

§300.504 Procedural safeguards notice.

(a) General. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents—

- (1) Upon initial referral or parent request for evaluation;
- (2) Upon receipt of the first State complaint under §§300.151 through 300.153 and upon receipt of the first due process complaint under §300.507 in a school year;
- (3) In accordance with the discipline procedures in §300.530(h); and
- (4) Upon request by a parent.

(b) Internet Web site. A public agency may place a current copy of the procedural safeguards notice on its Internet Web site if a Web site exists.

(c) Contents. The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under §300.148, §§300.151 through 300.153, §300.300, §§300.502 through 300.503, §§300.505 through 300.518, §300.520, §§300.530 through 300.536 and §§300.610 through 300.625 relating to—

- (1) Independent educational evaluations;
- (2) Prior written notice;
- (3) Parental consent;
- (4) Access to education records;
- (5) Opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including—
 - (i) The time period in which to file a complaint;
 - (ii) The opportunity for the agency to resolve the complaint; and
 - (iii) The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
- (6) The availability of mediation;
- (7) The child's placement during the pendency of any due process complaint;
- (8) Procedures for students who are subject to placement in an interim alternative educational setting;
- (9) Requirements for unilateral placement by parents of children in private schools at public expense;
- (10) Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
- (11) State-level appeals (if applicable in the State);
- (12) Civil actions, including the time period in which to file those actions; and
- (13) Attorneys' fees.

(d) Notice in understandable language. The notice required under paragraph (a) of this section must meet the requirements of §300.503(c). (Approved by the Office of Management and Budget under control number 1820-0600) (Authority: 20 U.S.C. 1415(d))

NCVA Policy

Parents and children have many rights under the Exceptional Children law, Individuals with Disabilities Education Act (IDEA). It is important that parents and children understand their rights to a free appropriate public education (FAPE). The term “appropriate” is based on the educational needs of the individual child that are outlined in the Individualized Education Program (IEP). The IEP is deemed a working document created by a team of educators and the family that establishes goals for a child to achieve in order to succeed.

It is the responsibility of the school to provide parents with notice of their rights in an understandable language. Parents also have a responsibility to participate in the education of their children. Parents do so by participating in meetings and giving consent to allow the school to provide the supports and services that both the parents and school agree are necessary for a child to be successful.

Parents will be provided a copy of the state parental rights notification at least once a year and at the following events;

- Parent request
- Annual IEP meeting
- Initial referral or parental request for evaluation
- Receipt of the first state complaint
- Receipt of the first due process hearing request

Notification by the school district to the parent of a disciplinary removal of a student from school that would constitute a change of placement.

Link to web-based version of STATE Procedural Safeguards

<http://ec.ncpublicschools.gov/parent-resources/parents-rights-handbook>