Shasta County Special Education Local Plan Area
Procedural Safeguards

STATE REQUIRED POLICY: Special Education Local Plan SRP 6

PROCEDURAL SAFEGUARDS

Parents of children with disabilities from ages three through twenty-one have specific education rights under the Individuals with Disabilities Act (IDEA). These rights are called Procedural Safeguards. Individuals serving as surrogate parents and adult students aged eighteen and over who receive special education services are also entitled to these Procedural Safeguards. The Shasta County SELPA maintains a copy of the "Notice of Procedural Safeguards and Parents' Rights" in its policies.

The notice of procedural safeguards shall be written in language which is understandable to the general public. Upon parent request the procedural safeguards must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

If the native language or mode of communication of the parent is not a written language, the local education agency must ensure:

1. That the procedural safeguards are translated orally or by other means to the parent in his or her native language.
2. That the parent understands the content of the notice.
3. That there is written evidence that the requirements in the paragraph are met.

A copy of the Notice of Procedural Safeguards and Parents' Rights must be offered to the parent a minimum of one time yearly. Best practice is informing parents of their procedural safeguards at each IEP meeting. This is done by asking the parents if they have received a copy and understand their procedural safeguards and whether they have any questions or would like further clarification of any rights. The parent then initials the statement on the signature page of the IEP.

A copy of the procedural safeguards shall be given to the parents, at a minimum:

1. One time annually
2. Initial referral
3. Parent request for assessment

4. Upon receipt of the first state complaint or the first Filing for due process complaint in the school year
5. Upon parent request
6. In accordance with discipline procedures.

Additionally, a copy of the Procedural Safeguards will be given to students when the student is placed in a nonpublic school.

The procedural safeguards are developed by the California Department of Education, approved by the SELPA office and legal counsel, and distributed to all local education agencies through the SELPA Binder. The SELPA will update the procedural safeguards on an as needed basis due to changes in the federal or state law.

LEGAL REFERENCES:

EDUCATION CODE 56500.1(b) 56195.7(b), 56195.8(b)(3) 56301(d)

FEDERAL REFERENCES 34CFR Section 300.503(c) 300.504