

## **Procedural Safeguards Notice...Simplified**

This "simplified" explanation of the formal Procedural Safeguards Notice is intended to make it easier for you to understand the guidelines to your rights as a parent and your child's rights as a student who receives special education services. This is in no way intended to take the place of the formal Procedural Safeguards Notice and should never be sent without the formal Procedural Safeguards Notice attached. You are encouraged to read the formal notice in order to be fully informed of your and your child's rights according to the law. You will find reference numbers after each section to identify the page where you will find this information in the formal Procedural Safeguards Notice.

### **What is a Procedural Safeguards Notice?**

A procedural safeguards notice is a document that states what schools must provide to a child and to the parents of a child with a disability according to the federal law (IDEA).  
Ref: pg. 1

**This document will be broken down into the following categories:**

- A. Vocabulary**
- B. Parental Consent**
- C. Discontentment/Complaint**
- D. Confidentiality/Records**

### **A. Vocabulary**

- 1. Agency or Participating Agency:** the school or institution that provides educational services to your child
- 2. Complaint:** a written, formal, filed statement of discontentment and/or disagreement with a decision that was made regarding your child's educational plan
- 3. Confidentiality:** refers to the privacy of records that include personal identifiable information of your child
- 4. Parental Consent:** you have been fully informed of your rights, you understand them, you agree in writing with the action about to take place, and you understand your consent is voluntary and can be withdrawn at any time.
- 5. Discipline:** refers to circumstances that are considered on a case by case basis for students with disabilities who may violate school codes of conduct, policies, and procedures
- 6. Due Process:** process by which disputes may be settled when parents disagree with recommendations by a school district
- 7. Evaluation:** the assessment and process that leads up to determining if your child meets criteria for a disability in one or more of the areas outlined in the federal law (IDEA)
- 8. Independent Educational Evaluation (IEE):** an evaluation that is conducted by a qualified examiner who is not employed by the school district responsible for your child's educational plan.

9. Individualized Education Plan (IEP): legally bound document that outlines the sp.ed. services that your child receives along with educational goals for the specified time.

10. Notice: you have had ample information provided to you, in writing, within the specified timeline as per the law.

**B. Parental Consent**

When is Parental Consent required?

There may be many times that parental consent is required throughout an evaluation and IEP process. According to this notice, parental consent is required when:

Situation	Timeline	Exceptions
Initial Evaluation	Within 60 days of consent	When a child is a ward of the state; when reasonable efforts have been made and the parent refuses a district may use due process to pursue an evaluation.
Initial Placement in a special education program	As determined by the child's IEP team	
Reevaluations	Every three years or sooner if requested by IEP team member	If a parent refuses consent for reevaluation, the district may use due process procedures to obtain permission to reevaluate
Sharing school records with another institution		If a school district reports a crime committed by a student with a disability.
Ref: pgs. 1-3, 6, 19		

**C. Discontentment/Complaint**

There are many protections and procedures when a parent is dissatisfied with recommendations and decisions by school districts regarding the educational programming and placement of a child with a disability.

Situation	Parent Option	Timeline	Exceptions
Dissatisfied with evaluation Ref: pg. 4	Can seek an IEE at public expense	Immediately within reason	School district may have criteria regarding where the IEE takes place
Dissatisfied with information in educational records of your child (you may feel they are inaccurate, misleading, or violates	Can request that information be changed. If request is refused, then right to a hearing under FERPA	As scheduled among parties.	

privacy/rights) Ref: pg. 6			
** See pg. 7 for Destruction of personally identifiable information **			
<b>State Complaint Procedures</b>			
Any individual has the right to file a State complaint when they feel their rights have been violated according to IDEA part B.	May file a formal complaint with the WI DPI Ref: pg. 8	Full resolution within 60 calendar days And investigation of complaint.	
Only a parent or a state agency (school) can file a formal due process complaint on any matter relating to identification, evaluation, or educational placement of a student with a disability Ref: pg. 7	May file a formal complaint with the WI DPI Ref: pg. 8	A hearing officer must hear a due process complaint and issue a written decision within 45 calendar days.	
<i>All procedures and exceptions (including civil matters) can be Ref: pgs. 7-15. All requirements, rights, responsibilities and exceptions of and for all parties including State, LEA (school) and parent are explained.</i>			

#### **D. Confidentiality/ Records and Discipline**

<b>Situation</b>	<b>Parent Option</b>	<b>Timeline</b>	<b>Exceptions</b>
The LEA (school) must inform parents about confidentiality of personally identifiable information and parents have the right to view and inspect any records that are collected, maintained, or used by your school	May request reasonable explanation and interpretation of your child's records; and you can request copies of those records.	No more than 45 calendar days	

<p>district. Ref: pg. 5</p>			
<p><b>Discipline of Children with Disabilities</b></p>			
<p>School districts may consider unique circumstances on a case by case basis when determining discipline and placement of a student with disabilities. Students who receive services may be suspended for up to 5 days in a row or up to 10 school days in a row if a notice of expulsion is given. A manifestation must be conducted and an IEP team determines if the infraction was a manifestation of the child's disability.</p>		<p>As stated in pages 15-19.</p>	