

## PROCEDURAL SAFEGUARDS FOR CHILDREN AND PARENTS

### In-service Agenda (8/2009 Procedural Safeguards)

#### Prior Written Notice

1. A copy of the Procedural Safeguards is given to parents once per year.
2. In addition, parents are given Procedural Safeguards: upon initial referral for evaluation, on the date the decision is made to make a removal that constitutes a disciplinary change of placement, and upon parental request for an additional copy.
3. Written parental consent must be obtained before an initial evaluation or initial placement for special education and related services.
4. Parents' Bill of Rights (1/1/10) are provided to parents when: a child is determined eligible for special education services or, when an Initial Individual Education Program (IEP) is developed and, whenever the Procedural Safeguards Notice is provided to parents.
5. Written notice will be provided to parents when the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student.

#### Independent Educational Evaluations

1. Parents have a right to an independent educational evaluation at public expense if they disagree with the evaluation conducted by the district.
2. The district must provide parents, if requested, information about where independent educational evaluations may be obtained and about the school's criteria that apply to independent educational evaluations.
3. The district must consider the independent evaluation information, but is not obligated to modify the program/placement based on that information.

#### Confidentiality of Information

1. Parents have a right to inspect and review all records collected, maintained, or used by the district regarding their child (within 45 calendar days of the request).
2. Information collected, maintained or used by the district regarding each student must be kept confidential.
3. Districts must keep a record of parties obtaining access to educational records (except access by parents and authorized employees of the agency).
4. Parents have the right to request amendment of records they believe are inaccurate, misleading, or violates the privacy or other rights of their child.
5. Parental consent must be obtained before personally identifiable information is disclose to parties other than officials of participating agencies.
6. The district must inform parents when information collected, maintained, or used is no longer needed to provide educational services.
7. Parents have the right to request information be destroyed after it is no longer needed to provide educational services.

#### Discipline

1. 10 days or less: Students can be removed for not more than 10 school days in a row, to an appropriate interim alternative educational setting (determined by the IEP team), placement in another setting, or suspension. Additional days may be imposed for separate incidents as long as those removals do not constitute a change of placement.
2. Once a child with a disability has been removed from their setting for a total of 10 school days in the same school year & a pattern has been created, the school must provide services.

3. **Manifestation Determination:** Within 10 days of the decision to implement a disciplinary change of placement (long term removal), the IEP team will determine if the conduct was caused by, or had a direct and substantial relationship to the disability or was a direct result of the district's failure to implement the IEP. If the IEP the team determines the behavior was a manifestation of the disability, a functional behavioral assessment and behavioral interventions plan is required.
4. **45 days:** The student's placement can be changed to an alternative educational setting for possession of weapons; or use, possession, sale, or solicitation of a sale of drugs (controlled substances); or infliction of serious bodily injury.

#### Private School Placement by Parents

1. IDEA does not require a district to pay for the cost of education at a private school if the school made a free appropriate public education available to the child and parents choose to place the child in a private school. The school district where the private school is located must include the child in the population whose needs are addressed under part B.

#### Due Process Hearings

1. The parent or district may initiate a due process hearing when there is disagreement with any action proposed or refused concerning the identification, evaluation, reevaluation, placement or provision of free appropriate public education of a student with a disability. Written requests for due process hearings or child complaints are made in writing to the MO Dept. of Elementary & Secondary Education and a copy sent to the district.

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