



SAFETY FIRST:

PROCEDURAL SAFEGUARDS

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A graphic of a warning sign, consisting of a white triangle with a black exclamation mark in the center, surrounded by a thick red border. The sign is set against a dark, textured background and is slightly tilted. To the right of the sign, the word "DISCLAIMER" is written in large, bold, black, italicized capital letters on a bright yellow rectangular background.

DISCLAIMER

All materials are intended for general information and educational purposes. The information presented is NOT actual legal advice, is not to be acted on as such, may not be current, and is subject to change without notice. Consult with a qualified attorney for such advice.






What to expect

DISCUSS:

- Why it is important to understand special education procedures
- What are Procedural Safeguards
- When do Procedural Safeguards Apply
- What are Procedural Safeguard Notices
- Resources





Why is it
important to
understand
Special
Education
Procedures?





“The reauthorized Individuals with Disabilities Act of 2004 is confusing to most parents, educators, related service providers, and even to many advocates and attorneys. Ignorance of the law can be as damaging as the child’s disability.”

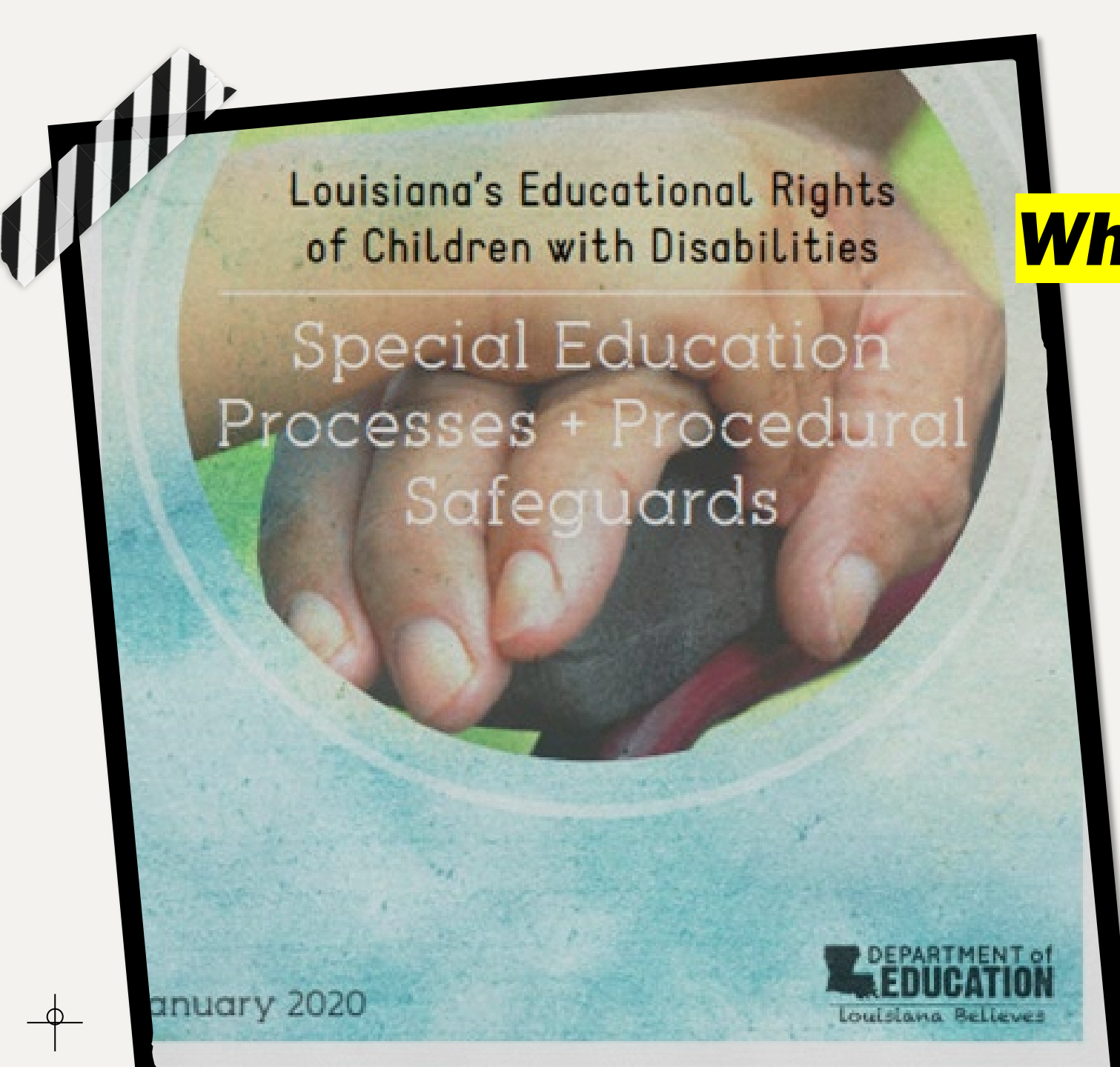
- Wrightslaw: Special Education Law 2nd Edition



“Understanding special education procedures will enable parents to act in the best interest of their child during each phase of the special education process.”

- A Parent Guide To Special Education Law & Proactive Advocacy by Jodie Pierce Howard, Esq.



The image shows the cover of a document. The background is a photograph of a hand holding a pencil, viewed through a circular opening in a light blue textured surface. The text is overlaid on this image. In the top left corner, there is a black and white striped graphic element. At the bottom left, there is a small crosshair symbol.

Louisiana's Educational Rights
of Children with Disabilities

Special Education
Processes + Procedural
Safeguards

January 2020

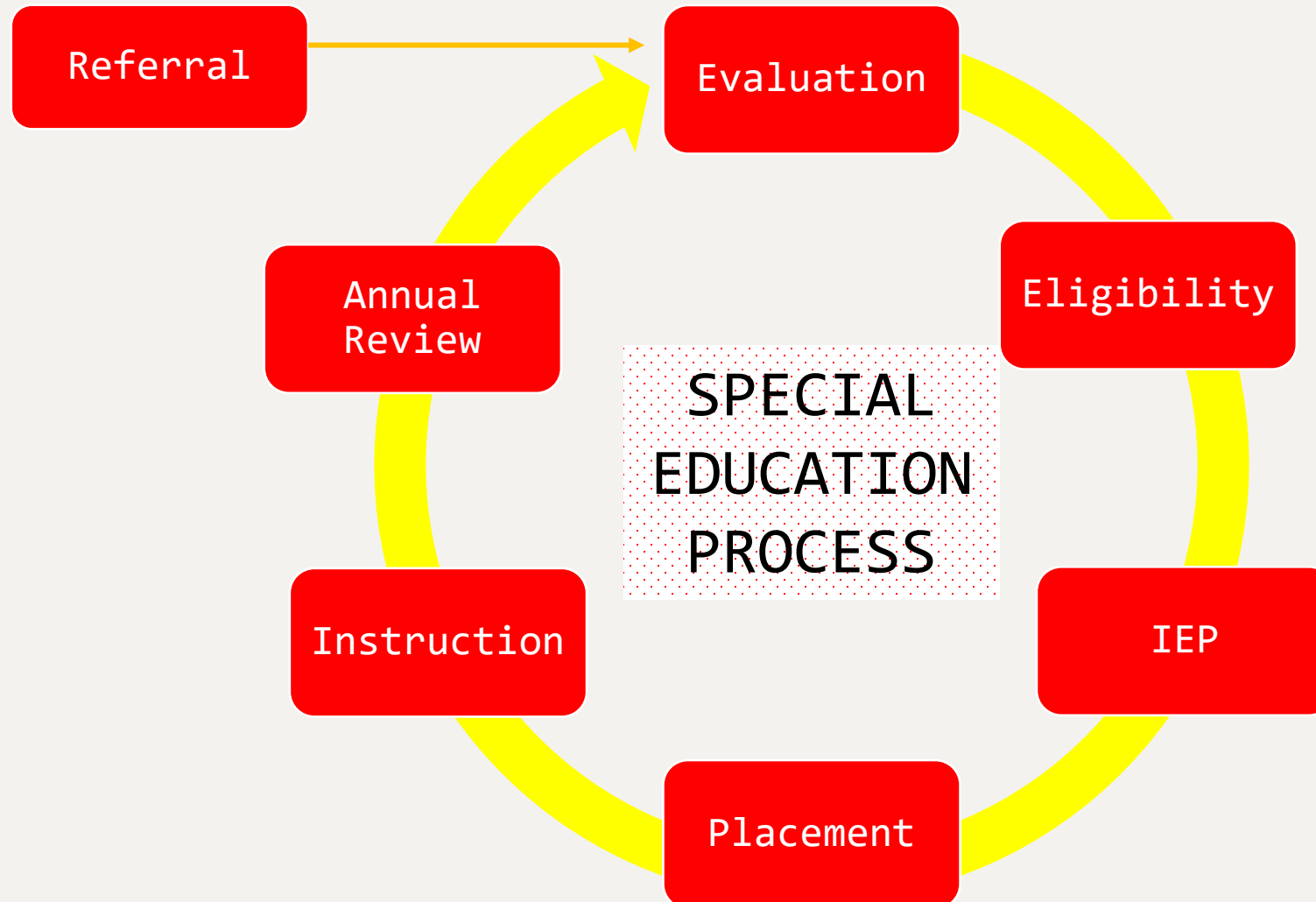
DEPARTMENT of
EDUCATION
Louisiana Believes

What are Procedural Safeguards

- Legal obligations and procedures that school districts are required to follow
- Notice of parents' and students' rights and protections
- Notice of Procedural Safeguards are used to inform parents of the supports and services and the protections that parents and students are entitled to

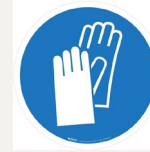
WHEN DO PROCEDURAL SAFEGUARDS APPLY?

...it depends on whether your child qualifies for Special Education or not



Procedural Safeguard Notice

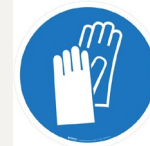
A formal document that describes your rights and protections that must be provided:



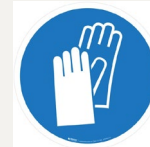
Once per school year



Upon initial referral or request for evaluation



Change of placement

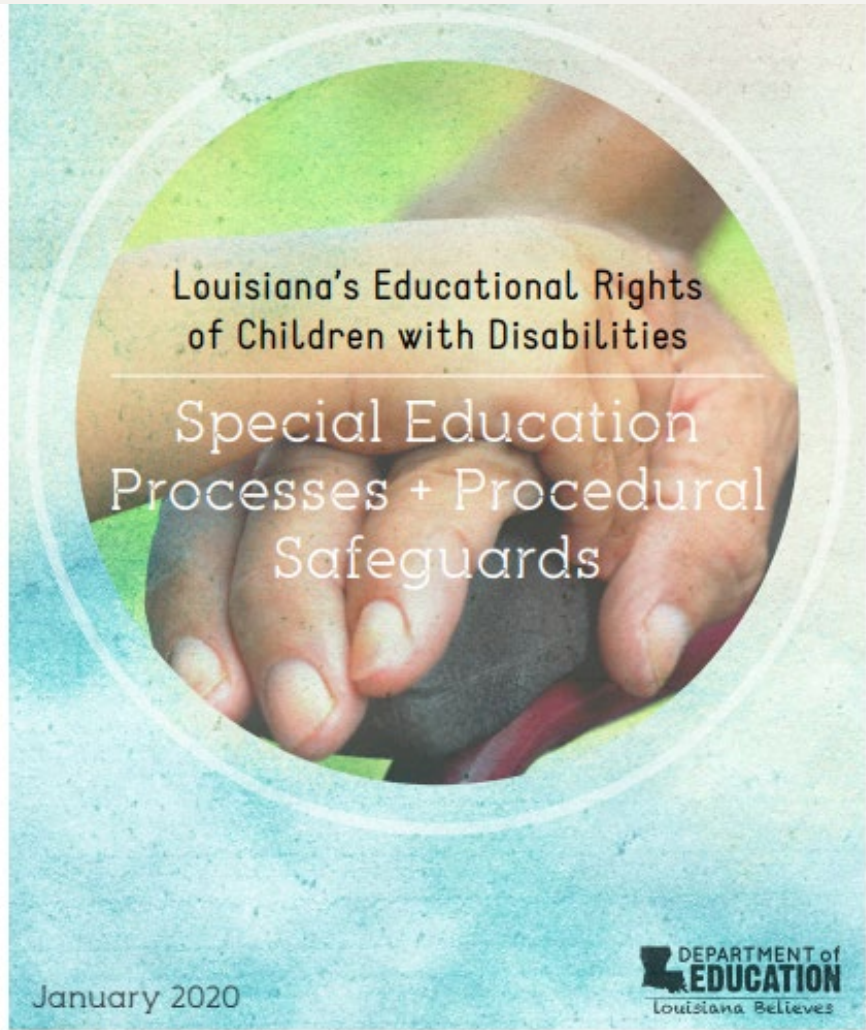


First time parent files a complaint in a school year



WHENEVER PARENT ASKS FOR A COPY





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2 <https://www.louisianabelieves.com/academics/l...> PDF

Special Education Processes + Procedural Safeguards

This guide was developed by the Louisiana Department of Education to help parents navigate the complex system that oversees special education in Louisiana's ...

People also ask

- What is an example of a procedural safeguard?
- What are procedural safeguards idea?
- What is the difference between due process and procedural safeguards?
- What is LaPTIC?

Feedback

In Louisiana, this booklet should be your gloves



Prior Written Notice

Written notice provided to parents before school districts take or refuse to take certain actions








In Louisiana, written notice must be given to parents within a reasonable amount of time before the school:

- Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student
or
- Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student

PWN



In order for the notice to be **sufficient**, it must be in understandable language and include the following content:

-  (1) a description of the action proposed or refused by the agency;
-  (2) an explanation of why the agency proposes or refuses to take the action;
-  (3) a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
-  (4) statement that the parents of the student with a disability have protection under the procedural safeguards of this chapter, and if this notice is not an initial referral for an evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
-  (5) sources for parents to contact to obtain assistance in understanding the provisions of this chapter;
-  (6) a description of other options that IEP team considered and the reasons why those options were rejected; and
-  (7) a description of other factors that are relevant to the agency's proposal or refusal.



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LIVINGSTON PARISH PUBLIC SCHOOLS

Revised
08/2019



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P.O. BOX 1130
LIVINGSTON, LOUISIANA 70754-1130
☎: (225) 686-7044 FAX: (225) 686-3052
www.lpsb.org

Representative Agency

Date: Thursday, September 9th, 2021 Contact Name: [Redacted]
School: DSJH Telephone No.: [Redacted]

To the Parent(s)/Guardian(s) of [Redacted]
(Student's Name)

A MEETING IS PROPOSED TO ADDRESS: a reevaluation and/or update your child's IEP.

Parents of a child with a disability have legal rights, called procedural safeguards, which are part of the Regulations for Implementation of the Children with Exceptionalities Act. The procedural safeguards are found in the enclosed copy of Louisiana's Educational Rights of Children with Disabilities (blue book). Also included is the Seclusion/Restraint Procedures for Students with Exceptionalities (yellow book).

If you are a person with a disability or speak another language these rights can be given to you in a different format or language (e.g., Larger print, Braille, on CD, DVD or tape, or translated into another language). The Individuals with Disabilities Education Act recognizes that it is important that families be fully informed so that they can participate equally in making decisions about their child's special education.

If you choose to receive your notification letter by electronic mail, please provide your e-mail address and initial on the line below.

E-mail address: _____ Initials: _____

The following arrangements have been made for the meeting:

Date: Wednesday, September 15th, 2021

Time: 7:00 a.m.

Location: DSJH Conference Room

At this meeting we will:

Discuss the results of the evaluation and documentation of the determination of eligibility.

x Develop, ~~revise~~ or amend an individualized education program (IEP) and to determine placement (i.e., services and support, not the building or classroom) for your child. The development of the IEP will be based on information from a variety of sources, including the strengths of the child, the concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation of the child, the academic, developmental, and functional needs of the child, and any other special factors. At this meeting we will have a draft copy of the IEP for the Team to review. In all cases, the IEP Team, of which you will be an equal participant, must review each section of the IEP to assure agreement. Any section of the IEP can be revised by the Team before the IEP is finalized.

Revised
08/2019

The following persons listed below will be invited to attend this meeting:

School System Personnel:

[Redacted]
Officially Designated Representative

[Redacted]
Evaluation Representative

[Redacted]
Other IEP Facilitator

[Redacted]
Other Certified School Psychologist

[Redacted]
Other Regular Education Teacher

[Redacted]
Other Regular Education Teacher

[Redacted]
Regular Education Teacher

[Redacted]
Special Education Teacher

[Redacted]
Representative Agency

[Redacted]
Representative Agency

[Redacted]
Special Education Teacher

[Redacted]
Special Education Teacher

Excusal Request

We are asking permission to excuse the following persons from the meeting:

KH

[Redacted] (School Name)
(name and position)

(name and position)

(name and position)

(name and position)

(name and position)

(name and position)

This member's area of curriculum or related services is not being discussed at the meeting.

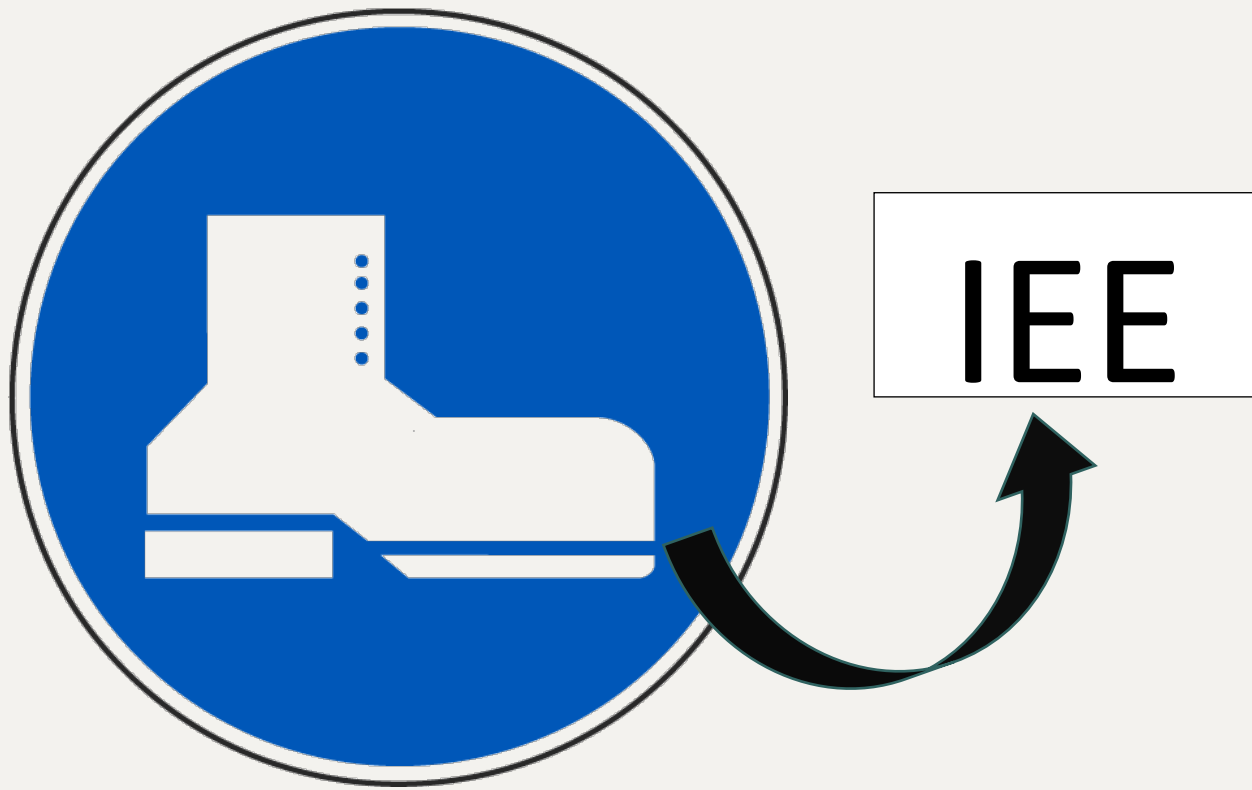
This member's area of curriculum or related services will be discussed at the meeting. Included is the member's input to the general student information, academic and functional performance levels and goal(s), amount of services, and any other recommendations for your child.

Parental Consent

School districts must obtain **WRITTEN**, informed consent before they can:

- Evaluate a child
- Provide special education and related services to a child for the first time
- Reevaluate a child
 - Unless school district can demonstrate it took reasonable steps to obtain parental consent for child's reevaluation and parent did not respond





If you disagree with the school district's evaluation results of your child, you may **request an IEE at public expense**

District must provide:

1. Information about where parent may obtain IEE and
2. District's criteria for IEEs

District must either **FUND or FILE:**

1. Provide IEE at public expense
 - a. Unless it can show IEE does not meet district's criteria
2. File due process complaint to show its evaluation is appropriate

Independent **E**ducation **E**valuation

An IEE is an evaluation conducted by a qualified examiner provided at no cost to parents

Access to Records

Parents have the right to:

- Inspect and review educational records
- A response from the school district to REASONABLE requests for explanations of the records
- Have a representative inspect and review the records
- Have copies of the records if you cannot effectively inspect and review the records unless you receive copies





Other procedural safeguards
include:

- **Procedures for Dispute Resolution**
- **Procedures for Disciplining Students with Disabilities**



RESOURCES

National Resource

-  **COPAA – Council of Parent Attorneys & Advocates**
www.copaa.org
***Scholarships are available**
***Free parent training**

Louisiana Resources

Local parent training center

-  **Families Helping Families**
www.fhfofgno.org/
www.fhfgbr.org/
or
-  **Pyramid Community Parent Resource Center**
www.pyramidparentcenter.org
-  **Advocacy Group/ Advocate**
-  **Attorney**

www.theieplawyer.com

Presented by:
Attorney Kimona Hogan
of
Hogan Law Firm, LLC



**Using the gift of skilled advocacy to serve our
Families, with grace and by Grace**

Our home office is located in Denham Springs, La.

