

Module 17

Introduction to Procedural Safeguards



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We have a tremendous amount of information available on our Web site, in our library, and in the combined expertise of our staff. Please feel free to contact NICHCY for the latest information and connections in research and disabilities. We'd also love for you to visit our Web site and help yourself to all that's there.

The 2004 Amendments to the Individuals with Disabilities Education Act (IDEA) include—as did IDEA’s predecessors—an entire section entitled Procedural Safeguards. These safeguards are designed to protect the rights of parents and their child with a disability, as well as give families and schools a mechanism for resolving disputes.

What are Procedural Safeguards?

Ask five people and you might easily get five different answers, including at least one response of, “Huh?”

The term *Procedural Safeguards* sounds rather legalistic and perhaps even a little scary. When it comes to education, what or who needs to be safeguarded? Children? Parents? Teachers? Schools? For our purposes, *Procedural Safeguards* are a set of requirements to ensure that children with disabilities are provided with a free appropriate public education, according to the standards and mechanisms established by the IDEA and its regulations.

Stated in another way... *Procedural Safeguards* serve as an umbrella or security blanket of *educational rights and responsibilities* for children with disabilities and their parents. The public agencies responsible for the education of children with disabilities also operate beneath the umbrella of IDEA’s procedural safeguards; public agencies have certain specific rights related to these safeguards and most certainly a host of responsibili-

How This Discussion Section is Organized

As with the other modules in this curriculum, this discussion section is organized by overhead. A thumbnail picture of each overhead is presented, along with brief instructions as to how the slide operates. This is followed by a discussion intended to provide trainers with background information about what’s on the slide. Any or all of this information might be appropriate to share with an audience, but that decision is left up to trainers.



You’ll note the “*New in IDEA 2004*” icon that periodically appears in these pages as an easy tool for identifying new aspects of the regulations.¹

ties. In this overview, we will introduce some prominent procedural safeguards and see how these correspond to the rights of children with disabilities and their parents, and to the rights and responsibilities of public agencies.

Procedural safeguards are in keeping with the underlying values in our nation’s special education law. Yes, procedures and processes are very much a part of the discussion on *Procedural Safeguards*, but the essence of *Procedural Safeguards* is to serve as a strong foundation for ensuring the provision of a free appropriate public education for children with disabilities.

When you consider the many discrete parts of IDEA and its regulations (e.g., initial evaluation, individualized education programs, State eligibility), each has a set of standards that define and explain specific requirements. *Procedural Safeguards* are cross-cutting, and apply to many parts of the law and regulations. In this section of the training curriculum, as we look closely at some of the individual elements that comprise *Procedural Safeguards*, we’ll see how, as a whole, they are a keystone in IDEA.



Trainer’s Note

Throughout this training module, all references in the discussion section for a slide are provided at the *end* of that slide’s discussion.

This Module in Time and Space

We have broken down the information into three modules in this training curriculum on the topic of procedural safeguards, as follows:

- *Introduction to Procedural Safeguards* provides an overview of many central provisions of IDEA 2004 and its regulations, including parent participation, prior written notice, the procedural safeguards notice, and more.
- *Options for Dispute Resolution* describes the alternatives available for resolving disagreements between parents and schools—methods such as writing a letter of complaint, mediation, or a due process hearing.
- *Key Issues in Discipline* focuses on the procedures and protections applied in the event of serious transgressions or violations of school codes of student conduct.

All of these modules are intended for general audiences. They've been designed so that trainers can either condense the presentation of information to the essentials, when training time is limited, or expand the training to cover specific procedural safeguards in depth. The background discussion for each module is extensive and detailed, to support trainers in adapting training to correspond to participant need and interest.

You are currently reading the background section and discussion in the module on *Introduction to Procedural Safeguards*, the first module in the series on procedural safeguards.

Files You'll Need for This Module

Module 17 includes the following components provided in separate files. If you need or want the entire module, be sure to download each of the components in either Word or PDF format.

- **Trainer's Guide Discussion.** The discussion text (what you're reading right now) describes how the slides operate and explains the content of each slide, including relevant requirements of the statute passed by Congress in December 2004 and the final regulations for Part B published in August 2006.

The discussion is provided via three PDF files, with the equivalent content also available in one accessible Word file. Here are the files' full names and where to find them on NICHCY's Web site:

PDF of discussion for Slides 1-16
www.nichcy.org/training/17-discussionSlides1-16.pdf

PDF of discussion for Slides 17-end
www.nichcy.org/training/17-discussion-Slides17-end.pdf

The entire discussion in an accessible Word® file.
www.nichcy.org/training/17-discussion.doc

- **Handouts in English.** The handouts for this module are provided within an integrated package of handouts for the entire umbrella topic of **Theme E, Procedural Safeguards**, which includes three different modules. If you've already downloaded the handouts for other modules in Theme E, then you have what you need for this module, too. If not, then find Word and PDF versions of these handouts as follows:

PDF version of the Handouts.
www.nichcy.org/training/E-handouts.pdf

Word® version of the Handouts, for participants who need an accessible version of the handouts or if you'd like to create large-print or Braille versions:
www.nichcy.org/training/E-handouts.doc

¹ Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, 71 Fed. Reg. 46540 (August 14, 2006) (at 34 CFR pt. 300). Available online at:

- www.nichcy.org/reauth/IDEA2004regulations.pdf
- <http://idea.ed.gov>

- **PowerPoint slide show.**
NICHCY is pleased to provide a slide show (produced in PowerPoint) around which trainers can frame their presentations and training children with disabilities who are placed by their parents in private schools. Find this presentation at:



To launch the PowerPoint presentation, double-click the **PLAY.bat** file.

www.nichcy.org/training/17slideshow.zip

Important note: You do NOT need the PowerPoint software to use these slide shows. It's set to display, regardless, because the PowerPoint Viewer is included. You may be asked to agree to Viewer's licensing terms when you first open the slideshow.



Thanks to the OGC Reviewer
of This Module

NICHCY would like to express its appreciation for the hard work and expertise of:

Frank Lopez, Office of General Counsel, U.S. Department of Education, for his thorough review of this module for its legal sufficiency with the statute and final Part B regulations of IDEA 2004.

We especially appreciate his gift for capturing complex language and legal concepts in simple, straightforward words, while keeping true to the training design of this curriculum. Many thanks go to Frank for an exceptional job.

Looking for IDEA 2004?

The Statute:

- www.nichcy.org/reauth/PL108-446.pdf
- <http://idea.ed.gov>

Final Part B Regulations:

- www.nichcy.org/reauth/IDEA2004regulations.pdf
 - <http://idea.ed.gov>
-

Finding Specific Sections of the Regulations: 34 CFR

As you read the explanations about the final regulations, you will find references to specific sections, such as §300.173. (The symbol § means “Section.”) These references can be used to locate the precise sections in the federal regulations that address the issue being discussed. In most instances, we’ve also provided the verbatim text of the IDEA regulations so that you don’t have to go looking for them.

However, be aware that final Part B regulations are codified in Title 34 of the *Code of Federal Regulations*. This is more commonly referred to as 34 CFR or 34 C.F.R. It’s not unusual to see references to specific sections of IDEA’s regulations include this—such as 34 CFR §300.173. We have omitted the 34 CFR in this training curriculum for ease of reading.

Citing the Regulations in This Training Curriculum

You’ll be seeing a lot of citations in this module—and all the other modules, too!—that look like this: 71 Fed. Reg. at 46738

This means that whatever is being quoted may be found in the *Federal Register* published on August 14, 2006—Volume 71, Number 156, to be precise. The number at the end of the citation (in our example, 46738) refers to the page number on which the quotation appears in that volume. Where can you find Volume 71 of the *Federal Register*? NICHCY is pleased to offer it online at:

www.nichcy.org/reauth/IDEA2004regulations.pdf



How to Operate the Slide:

Slide presents completely. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Use Slide 1 to orient your audience to the broad focus of this training session: An overview of IDEA's procedural safeguards. You may wish to ask your audience, "What *are* procedural safeguards?" and see what they say. Can they name any specific safeguards they know? You also might take a moment to look at how the Merriam-Webster dictionary defines these two words:

Procedural—of or relating to procedure especially of courts or other bodies administering substantive law¹

Safeguard—1: convoy, escort; 2: a precautionary measure or stipulation, to make safe, protect²

Where might issues arise between schools and parents with respect to a child with a disability and his or her special education? You can discuss this briefly with the audience, taking a few ideas to illustrate where protections under the law might be important.



¹ Merriam-Webster Online. (2007). *Procedural*. Retrieved August 10, 2007, from <http://www.m-w.com/dictionary/procedural>

² Merriam-Webster Online. (2007). *Safeguard*. Retrieved August 10, 2007, from <http://www.m-w.com/dictionary/safeguard>

View 1

Modules in the Procedural Safeguards series



Overview of Procedural Safeguards

Options for Dispute Resolution

Key Issues in Discipline

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

This slide shows gives the audience the Big Picture of the modules comprising Theme E of *Building the Legacy*. You can use the slide to make participants aware that:

- there are other themes around which important IDEA-related issues can be (and are!) meaningfully grouped (see the list of themes in this training curriculum in the box at the right); and
- there's more to know about procedural safeguards than what's covered in this specific module.

The topics that *will* be covered in this module are listed on the next slide.

Themes in *Building the Legacy*

Theme A
Welcome to IDEA

Theme B
IDEA
and General Education

Theme C
Evaluating Children
for Disability

Theme D
Individualized Education
Programs (IEPs)

Theme E
Procedural Safeguards

Available online at:
www.nichcy.org/training/contents.asp



Opening View

Slide loads with Bullets 1, 2, and 3 (the major topics to be covered in this module).

This module looks at...

- Parent participation
- Written notices
- Selected other concepts and definitions



Click 1


Click 1: Bullets 4 and 5 (the "overview" topics on the agenda) appear.

This module looks at...

- Parent participation
- Written notices
- Selected other concepts and definitions
- Overview of options for resolving disputes
- Overview of discipline procedures



CLICK AGAIN to advance to next slide.

(discussion on next page) 



Slide 3 is an advance organizer for the audience as to what content they're going to hear and discuss in this module. The module is divided into three major sections followed by two, very brief overview. The topics that will be treated in some depth are as follows:

- *Parent participation*—provisions that help to ensure that parents have the opportunity to participate in meetings crucial to their child's education;
- *Written notices*, the requirements related to prior written notice and the procedural safeguards notice;
- *Selected other concepts and definitions*—specifically, independent educational evaluation (IEE), surrogate parents, and the transfer of rights at the age of majority.

The two topics that will be treated very briefly, to ensure that participants are aware that procedural safeguards also include these topics, are:

- *Options for dispute resolution*, which will look briefly and in overview at how conflicts are resolved (a stand-alone module is available to examine this critical topic in much greater detail); and
- *Overview of IDEA's discipline procedures* (also examined in a stand-alone module).

View 1

Closer Look at Parent Participation

- Access to educational records



Parents must have opportunity to inspect and review all education records related to:

- their child's identification, evaluation, and educational placement; and

Topic: Access to educational records.

Slide loads with this view, including Bullet 1.

Closer Look at Parent Participation

- Access to educational records



Parents must have opportunity to inspect and review all education records related to:

- their child's identification, evaluation, and educational placement; and
- the provision of FAPE to their child

Click 1

Click 1: This bottom bullet loads.

(continued on next page) 

Closer Look at Parent Participation

- Access to educational records



The right to inspect and review includes:

- the right to a response from the school to the parents' reasonable request for explanations and interpretations of the records;

Click 2

More info on access to educational records.

Click 2: Picture and text changes as part of taking a look at the "right to inspect and review."

Closer Look at Parent Participation

- Access to educational records



The right to inspect and review includes:

- the right to a response from the school to the parents' reasonable request for explanations and interpretations of the records;
- the right to request copies of records; and
- the right to have a representative inspect and review the records

Clicks 3-4

Click 3: Bullet 2 loads.

Click 4: Final bullet loads.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Slides 4 and 5 begin the discussion of “A Closer Look at Parent Participation” by looking at the opportunity that IDEA and its regulations afford parents to examine their child’s records (Slide 4) and if they believe they are misleading or inaccurate, or that they violate their child’s rights, they may request that the records be amended (Slide 5). This is a large topic that can be treated briefly or in great detail. Accordingly, we have provided a substantial amount of background discussion across these two slides to support you in how detailed you wish your training session to be.

It is important to note that another federal law is also relevant to this discussion—the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, and its implementing regulations at 34 CFR Part 99.

Access to Educational Records

Refer your audience to **Handout E-1**, as appropriate.

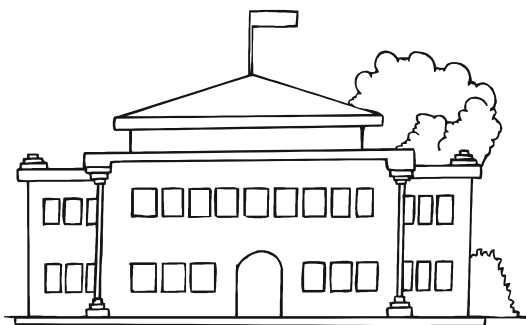
Access to a child’s education records is frequently a concern of parents. The IDEA and its regulations guarantee parents the right to inspect and review all education records relating to their child that the public agency collects, maintains, or uses. This might include schoolwork examples in the file, evaluations, reports, and other records related to the child’s evaluation, educational placement, identification as a child with a disability,

and the provision of a free appropriate public education (FAPE) to the child.

What are some of the specifics of IDEA’s regulatory provisions? Framed from a perspective of the umbrella of protections, the information in the bullets below pulls highlights from the regulations for discussion purposes. The precise location of IDEA’s regulatory provisions is included for each of these procedural safeguards, for clarity’s sake and to help you direct participants, as appropriate, to the exact language in **Handout E-1**.

Parents’ Rights

- Parents can inspect and review educational records with respect to their child’s evaluation, identification, and placement; and the provision of FAPE. [§300.501(a)]
- Parents can request explanations and interpretations of the records. [§300.613(b)(1)]
- Parents can request copies of the records if not receiving copies would effectively prevent the parents from exercising their right to inspect and review those records. [§300.613(b)(2)]



- Parents can request that their representative be given access to inspect and review the records. [§300.613(b)(3)]

Schools’ Rights and Responsibilities

- Schools must comply with a parent’s request to inspect and review records without unnecessary delay before any meeting—regarding an IEP, a hearing or resolution session, and in no case more than 45 days after the request has been made. [§300.613(a)]
- Schools must respond to reasonable requests for explanations and interpretations of the records. [§300.613(b)(1)]
- Schools can charge a fee for copies of records made for parents, if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. [§300.617(a)]
- Schools may not charge a fee for searching for, or retrieving, a child’s records for parents. [§300.617(b)]

Segue to Slide 5

And what happens if, upon inspecting their child’s records, parents believe that those records contain misleading or inaccurate information, or that the records violate their child’s rights? Proceed to the next slide and find out.

View 1

Slide loads with this view.

Closer Look at Parent Participation

Parents have the right to:

- request that their child's records be amended; or



- *Content* of educational records

Click 1

Click 1:
Bullet 2
appears.

Closer Look at Parent Participation


Parents have the right to:

- request that their child's records be amended; or
- attach their explanation to their child's records if not amended



- *Content* of educational records

CLICK AGAIN to advance to next slide.

(discussion on next page) 

1 Click



Linked to parents' rights to inspect their child's records is the right examined on this slide. Suppose that, when parents have inspected their child's records, they believe that those records contain misleading or inaccurate information, or that the records violate their child's privacy or other rights. What options do parents have?

Changes to Educational Records

Now let us pull selected highlights from the regulations regarding *changing* a child's educational records.

Parents' Rights

A parent who believes that information in their child's educational record is inaccurate, misleading, or violates the privacy or other rights of their child may request that the information be amended. [§300.618(a)]

Schools' Rights and Responsibilities

- The school must decide whether to amend the information as requested by the parent within a reasonable period of time after receiving the request. [§300.618(b)]
- If the school refuses to amend the information as requested by the parent, it must inform the parent of the refusal and advise the parent of the right to a hearing. [§300.618(c)] (Note: This hearing is not the same as a due process hearing under §300.511.)

Additional Information on Selected Items

Time to expand a bit on elements of the rights and responsibilities listed above and on Slide 4.

Cross-Reference of Provisions

Section 300.501(a) affords parents the opportunity to inspect and review their child's educational records in accordance with the procedures contained in the confidentiality provisions at §§300.613 through 300.621, which are also included on **Handout E-1** for full clarity. One of these provisions provides the right to request that the public agency provide copies of the child's educational records to the parent *if not doing so* would effectively prevent the parent from exercising the right to inspect and review the child's records—as would be the case for a parent who "lives outside of commuting distance of the agency" (71 Fed. Reg. at 46688).

Consistency with FERPA

As in other sections of IDEA, this provision is intended to be consistent with the FERPA and its implementing regulations—specifically, the one at 34 CFR §99.10(d)(1). For your information, this FERPA regulatory provision is provided in the box below.



§99.10 What rights exist for a parent or eligible student to inspect and review education records?

(a)...

(b)...

(c)....

(d) If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the educational agency or institution, or SEA or its component, shall—

(1) Provide the parent or eligible student with a copy of the records requested...



Parental Options if Parents' Request to Amend Child's Records is Refused

As noted above, parents may ask that their child's records be amended if they believe that information in the records is inaccurate, misleading, or violates the privacy or other rights of their child. This right is set out at §300.618(a) and is mentioned in the bulleted list above.

The public agency must:

- decide to accept or refuse this request within a reasonable period of time; and
- inform the parent if it refuses.

The agency must also provide parents with information regarding the parent's right to a hearing on this matter. [§300.618(b)-(c)]

What type of hearing, one might wonder, and with what possible outcomes?

Answers to both questions are contained within the subsequent provisions at §§300.619 through 300.621, which are presented in the box at the right and on **Handout E-1**.

We provide these for the sake of thoroughness and to identify that, when parents' request to have their child's records

amended is refused by the public agency, parents still have recourse to the hearing as a means of addressing their objections to information in their child's records.

The hearing that parents may request to challenge the agency's refusal to amend their child's records must be conducted according to the FERPA regulatory procedures in 34 CFR

§99.22 [see also §300.621]. For trainers' information, these provisions are presented in *Resource E-1*. These may be of interest to share with your audience, as may the following commentary by the Department of Education (Department) in the Analysis



§300.619 Opportunity for a hearing.

The agency must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

§300.620 Result of hearing.

(a) If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and so inform the parent in writing.

(b) If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent's right to place in the records the agency maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

(c) Any explanation placed in the records of the child under this section must—

(1) Be maintained by the agency as part of the records of the child as long as the record or contested portion is maintained by the agency; and

(2) If the records of the child or the contested portion is disclosed by the agency to any party, the explanation must also be disclosed to the party.

§300.621 Hearing procedures.

A hearing held under §300.619 must be conducted according to the procedures in 34 CFR 99.22.

of Comments and Changes that accompanied publication of the final Part B regulations:

The parent is not required, under the Act and these regulations, to follow the procedures that are applicable to filing a due process complaint under §§300.507 through 300.510. This is because the hearing authorized under §300.619 is for the explicit purpose of giving a parent the opportunity to challenge the information in education records when a parent believes the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child... The procedures used for these hearings vary from State to State, and we believe it is best to give States the flexibility to develop their own procedures for such hearings, as long as they meet the requirements in §300.621. (71 Fed. Reg. 46736)

Section 300.620 details two possible outcomes of the hearing that parents in this situation may appreciate knowing:

- *Outcome 1:* Parents' request is upheld in the final decision, and the information must be amended in the child's records, and parents must be so informed in writing.
- *Outcome 2:* Parents' request is not upheld in the final decision. The public agency must inform the parents of their right to place in the records a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

What is interesting in these last two items is that: (a) the parent's request for this type of hearing does not invoke procedures applicable to filing a due process complaint; and (b) regardless of the outcome of the hearing, the parent's viewpoint on specific information in their child's educational records will be addressed in the records, either with the amending of the records as they requested or via their own statement that must be incorporated in the records and maintained there by the agency for as long as it maintains the child's records or the contested part. If the latter case, the parent explanation must also be disclosed to any party with which the public agency discloses the student's records or the contested portion. [§300.620(c)]



View 1

Closer Look at Parent Participation

Parents have the **right to participate in meetings** related to the:

- identification, evaluation, and educational placement of their child; and
- the provision of FAPE to their child, including IEP meetings



Slide loads with this view. Subject: The parents' right to participate in meetings.

Click 1

Closer Look at Parent Participation

Parents are **members of:**

- the group that determines whether their child is a "child with a disability"
- the IEP Team of their child
- any group that makes educational placement decisions for their child



Click 1: Screen is wiped clean, and a new subject is addressed as shown: The 3 different groups in which parents are members.

(continued on next page) 

Click 2

Closer Look at Parent Participation

Public agencies must:

- provide parents with appropriate notice of a meeting
- use other methods to ensure parent participation in IEP meetings and placement meetings



Click 2:
Screen again wipes clean, and a new subject is addressed: Two things public agencies must do to ensure parent participation in meetings.

CLICK to advance to next slide.

Slide 6: Background and Discussion

2 Clicks



Slide 6 continues the discussion of “A Closer Look at Parent Participation” by examining specific regulatory provisions of IDEA governing parent participation. Again, this is a large topic that can be treated briefly or in great detail. Accordingly, we have provided a substantial amount of background discussion to support you in how detailed you wish your training session to be.

What are some of the specifics of IDEA’s regulatory provisions? The box on the next page provides an at-a-glance look at the key provisions associated with both the parents’ rights and public agency responsibilities mentioned on the slide. Below the box, a series of bullets pull highlights from the regulations for discussion purposes. The precise location of IDEA’s regulatory provisions is included for each of these procedural safe-

guards, for clarity’s sake and to help you direct participants, as appropriate, to IDEA regulation’s exact language in **Handout E-1**. Additional information and discussion on selected procedural safeguards is provided after the bulleted list.

continued on next page —→



At a Glance: Parent Participation

Parents' Rights

In which meetings do parents have the right to participate?

Parents have the right to participate in meetings related to the:

- evaluation, identification, and educational placement of their child; and
- provision of FAPE to their child, including IEP meetings.

In which groups are parents members?

Parents are members of:

- the group that determines whether their child is a child with a disability;
- the IEP Team for their child; and
- any group that makes educational placement decisions for their child.

Public Agency Responsibilities

Public agencies must:

- provide parents with an appropriate notice of a meeting; and
- use other methods to ensure parent participation in IEP meetings and placement meetings.

Public Agency Rights

Public agencies may:

- hold the IEP meeting and the meeting where the child's placement is determined without the parents in attendance if unable to convince the parents to attend and if efforts to secure their participation are documented.

All right, now let's look at the above more slowly, citing the applicable regulations of IDEA. You'll be interested to see that some regulations appear under both the parents' rights and the public agency's rights/responsibilities, which amply demonstrates how interconnected these two elements of IDEA's procedural safeguards can be.

Parent Participation in Meetings/Right to Group Membership

- Parents have the right to participate in meetings related to the evaluation, identification, and educational placement of, and the provision of FAPE to, their child. [§300.501(b)]

- Parents are entitled to be members of any group that decides whether their child is a child with a disability. [§300.306(a)(1)]
- Parents are entitled to be members of the IEP Team that develops, reviews and revises the IEP for their child. [§300.321(a)(1)]
- If neither parent can participate in an IEP meeting, the school must use other methods to ensure parent participation,

including individual or conference calls. [§300.322(c)]

- Parents are members of any group that makes placement decisions for their child. [§§300.501(c) and 300.327]
- If neither parent can participate in a meeting related to the placement decision, the school must use other methods to ensure their participation, including individual or conference calls, or video conferencing. [§300.501(c)(3)]



Public Agency Rights and Responsibilities for Parent Participation in Meetings and Membership in Groups

- The school must provide appropriate *notice* so that parents can participate in meetings related to the evaluation, identification, and educational placement of, and the provision of FAPE to, their child. [§300.501(b)(2)]
- If neither parent can participate in an IEP meeting, the school must use other methods to ensure parent participation, including individual or conference calls. [§300.322(c)]
- The eligibility meeting and the IEP Team meeting may be conducted without a parent in attendance if the school cannot convince the parents that they should attend and keeps a record of its attempts to arrange a mutually agreed on time and place, such as records of calls, copies of letters sent, records of visits and any results from these attempts. [§300.322(d)]
- The school must ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. [§300.116]
- If neither parent can participate in a meeting related to the placement decision,



the school must use other methods to ensure their participation, including individual or conference calls, or video conferencing. [§300.501(c)(3)]

- A placement decision can be made without the parents' involvement if the school is unable to obtain their participation and has a record of its attempt to ensure their involvement. [§300.501(c)(4)]
- When conducting IEP meetings, placement meetings, and meetings to carry out administrative matters under the procedural safeguards section (such as scheduling, exchange of witness lists, and status conferences), the parent and school may agree to use alternative means of meeting participation, such as video conferences and conference calls. [§300.328]

Discussion

Parent participation in “meetings”—generally—falls under Procedural Safeguards, at §300.501(b), which states that parents must be afforded the opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of FAPE to the child. As noted in the bulleted list above, the public agency must provide parents with notice consistent with §300.322(a)(1) and (b)(1) to ensure that parents of children with



disabilities have the opportunity to participate in the meetings. These notice provisions are discussed on the next slide, so you do not need to delve into them now, merely mention them as you review the specifics of public agency responsibilities.

The last bullet point, that the public agency must make available alternative means of parent participation, is an obligation that is found in the regulations both for Procedural Safeguards and for IEPs. The other methods that the public agency must use to ensure parent participation in placement meetings—which include individual and conference calls, or video conferencing [§300.501(c)(3)]—are similar to the reference in the IEP section for ensuring parent participation in IEP meetings by other methods including individual or conference telephone calls [§300.322(c)]. That provision is discussed in the *Meetings of the IEP Team* module. In addition, the regulations allow the parent and public agency to *agree* to use such use alternative means of meeting participation when conducting IEP meetings, placement meetings, and meetings to carry out administrative matters under the Procedural Safeguards section (such as scheduling, exchange of witness lists, and status conferences). [§300.328]

Although there are some parallels in the regulatory provisions allowing a placement decision to be made without parental participation and allowing an IEP meeting to be conducted without a parent in attendance, there is an important difference in the specific documentation a public agency must keep describing its attempts to involve the parents. An IEP Team meeting may be conducted without the parents if the public agency is unable to convince the parents to attend. However, the agency must keep a record of its attempts to arrange for the meeting at a mutually agreed on time and place—such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records of visits made to the parent’s home or place of employment and the results of those visits. [§300.322] (The provisions at §300.322 are presented as part of **Handout E-1**.) In response to public comments suggesting that the regulatory provision at §300.501(c)(4) use the same language that is in the IEP provision to describe the record of attempts to ensure the parent’s involvement in an educational placement meeting, the Department rejected that proposal and observed that:

As a matter of practice, public agencies use a variety of methods to contact parents depending on the ways they find to be most efficient and effective for a particular situation. Public agencies take seriously their obligation to include parents in placement decisions and are in the

best position to determine the records they need to demonstrate that they have taken appropriate steps to include parents in placement decisions before holding a placement meeting without a parent in attendance. (71 Fed. Reg. 46689)

What is not a “meeting”? The regulations, at §300.501(b)(3), are careful to clarify what does *not* constitute a “meeting” covered by the procedural safeguard provisions of “notice” and opportunity for “parent participation.” This regulation is presented in the box on this page and also appears on **Handout E-1**. If you have time in the training and the provision would be pertinent to your audience,



make sure you mention the provision, which enumerates what is *not* to be considered a meeting of which parents must be notified and afforded the opportunity to attend.

Additional Information in Other Modules

This slide has framed the discussion of parent participation in meetings and important decision-making groups as part of IDEA’s procedural safeguards. Parent participation is addressed in other modules in this curriculum as well, including:

- Parent participation and input into the evaluation of their child is addressed at §300.305 and in the modules on *Introduction to Evaluation* and *Initial Evaluation and Reevaluation*.
- Parent participation in their child’s eligibility decision is addressed at §300.306(a)(1) and in the module on *Initial Evaluation and Reevaluation*.
- Parent participation in IEP meetings is addressed specifically at §300.322, generally throughout the IEP provisions, and in the modules on *The IEP Team: Who’s a Member?* and *Meetings of the IEP Team*.

What Is NOT a Meeting? §300.501(b)(3)

(3) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

View 1

Closer Look at Parent Participation

Appropriate Notice of Meetings of Parents



- Must be early enough to ensure parents have opportunity to attend

Slide loads with this view, including Bullet 1.

Closer Look at Parent Participation

Appropriate Notice of Meetings of Parents




- Must be early enough to ensure parents have opportunity to attend
- Must include the purpose, time, and location of the meeting
- Must include who will attend meeting
- Must tell parents they may invite individuals with knowledge or special expertise about the child
- Must include certain early childhood transition information, if appropriate

Clicks 1-4

Clicks 1-4:
Each click brings up one bullet and a new picture.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Slide 7 takes a detailed look at the appropriate notice of meetings that public agencies must provide parents. The regulations require that for each meeting discussed in the last slide (those with respect to the identification, evaluation, and educational placement of the child, and the provision of FAPE to the child):

Each public agency must provide notice consistent with §300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section. [§300.501(b)(2)]

What notice would be consistent with §300.322(a)(1) and (b)(1)? Both provisions are on **Handout E-1**; we also present them in the box at the right, for convenience.

What do all those words mean? As the slide summarizes, the notice that the public agency must provide to parents regarding meetings:

- Must be early enough to ensure parents have an opportunity to attend;
- Must include the purpose, time, and location of the meeting;
- Must include who will attend the meeting;
- Must tell parents that they may invite individuals with knowledge or special expertise about the child; and

- Must include certain early childhood transition information, if appropriate.

With respect to “early childhood transition information,” IDEA’s regulations specify that, if a child is transitioning from Part C to Part B of the Act, the notice must tell the parents they may request that the Part C



service coordinator or other representatives of the Part C system be invited to the initial IEP meeting to assist with the smooth transition of the child [§300.321(f)]. This area is examined in the module on *Meetings of the IEP Team*. You may wish to refer to the background discussion there for more information on the transition and notice requirements.

IDEA's Required Notice Provisions for Meetings

§300.322(a)(1):

(a) *Public agency responsibility—general.* Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; ...

§300.322(b)(1):

(b) *Information provided to parents.* (1) The notice required under paragraph (a)(1) of this section must—

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in §300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and §300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).

Written Notices

- Prior written notice
- Procedural safeguards notice



Slide presents completely. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Slide 8 introduces Part 2 of this module, focused on the procedural safeguard of written notices. Two such safeguards will be discussed:

- Prior written notice, and
- Procedural safeguards notice.

Depending on the time you have available for training, the needs of your audience, and the relative emphasis you want to put on introducing these two types of notice, you may wish to re-orient the audience to the new topics with a round of questions to the group, intended to activate their prior knowledge and have them identify how the topics are relevant to them. For example, ask for a show of hands or vocal answers for such questions as:

- How many of you, as parents, have ever received prior written notice?
- A procedural safeguards notice?
- How many of you have *provided* parents with prior written notice?
- How about the procedural safeguards notice?
- If you had to describe prior written notice in two words or less, what would those words be?
- What one characteristic comes to mind when you think about the procedural safeguards notice?

Written Notices

A model form for...

PRIOR WRITTEN NOTICE UNDER PART B of IDEA

- Description of the action that the school district proposes or refuses to take:

- Explanation of why the school district is proposing or refusing to take that action:

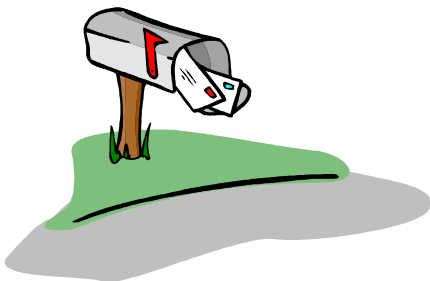
Slide presents completely. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Slide 9 begins the discussion of prior written notice by framing



presentation of information around the model form for prior written notice that the 2004 Amendments to IDEA required the Secretary of Education to develop and widely disseminate. The next three slides will use the same frame, so you'll want to explain where this model form came from and why it was developed. Refer participants to **Handout E-3**, which provides the model form. **Handout E-2**, for contrast,



presents the actual text of the regulations regarding prior written notice.

The Model Prior Written Notice Form

Here's the requirement that the 2004 reauthorization of the IDEA included:

(e) MODEL FORMS.— Not later than the date that the Secretary publishes final regulations under this title, to implement amendments made by the Individuals with Disabilities Education Improvement Act of 2004, the Secretary shall publish and disseminate widely to States, local educational agencies, and parent and community training and information centers—

- (1) a model IEP form;

(2) a model individualized family service plan (IFSP) form;

(3) a model form of the notice of procedural safeguards described in section 615(d); and

(4) a model form of the prior written notice described in subsections (b)(3) and (c)(1) of section 615 that is consistent with the requirements of this part and is sufficient to meet such requirements. [Section 617(e) of Public Law 108-446, codified at 20 U.S.C. 1417(e)].

Consistent with this provision, the Department developed the model forms to assist States and school districts in under-

standing the content that Part B requires for each. As the introduction to the model forms states:

The content of each of these forms is based upon the requirements set forth in the Part B regulations. Although States must ensure that school districts include all of the content that Part B requires for each of the documents that they provide to parents, States are not required to use the format or specific language reflected in these forms. States may choose to add additional content to their forms, so long as any additional content is not inconsistent with Part B requirements.¹

Interestingly, while the forms closely track the language in the regulations, the model prior written notice and model procedural safeguards notice are intended to meet the requirement that they be written in language understandable to the general public [§§300.503(c) and 300.504(d)]. For example, the model forms use “school district” or “district” in place of “public agency” and “local educational agency.” In addition, the procedural safeguards notice uses “you” in place of “parent” (or the eligible student, where

parental rights have been transferred from the parent to the student at the age of majority).

What is Prior Written Notice?

Prior written notice refers to the public agency’s obligation to inform parents a reasonable time before it takes specific actions, or refuses to take specific actions. The exact language of IDEA is presented in **Handout E-2**, and summarized in the chart on the next page, which also notes the precise location of IDEA’s provisions for each to help you direct participants, as appropriate, to IDEA’s exact language in the handout.

Providing Prior Written Notice via Email

Moving into the technology age, IDEA and its regulations bring public agencies a new option for providing notices to parents where both parties agree to its use: email! You’ll find this provision at §300.503, included in the box on this page, and on **Handout E-2**. Parents may elect to receive more than just the prior written notice via email (if the public agency makes the option available). Subject to the availability of the option, parents may also agree to receive via email:

§300.505 Electronic mail.

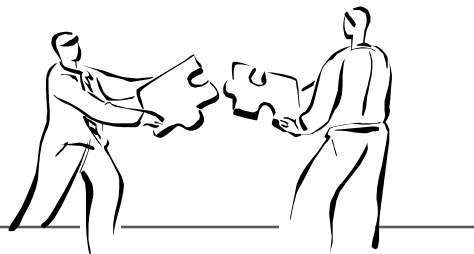
A parent of a child with a disability may elect to receive notices required by §§300.503, 300.504, and 300.508 by an electronic mail communication, if the public agency makes that option available.



- the procedural safeguards notice (at §300.504), and
- the notification of a due process complaint (at §300.508).

Nothing in the Act or regulations requires that a parent’s election of this option be in writing. As the Department observed:

It would be an unnecessary paperwork burden to require a parent who elects to receive notices by electronic mail to do so in writing, particularly when there are other methods available to document such a request, for example, by the LEA making a notation of the parent’s verbal request. We believe public agencies should have the flexibility to determine whether and how to document that a parent elects to receive these notices by electronic mail. (71 Fed. Reg. at 46694)



Trainer’s Note

Discussion of these provisions is broken up across several slides; relevant background information for trainers will be presented with the appropriate slide.

Discussion of the Slide

Indicate that the model form on the slide starts off with “description of the action the school district proposes or refuses to take” and provides a box where the action would be described. To what actions does prior written notice apply? According to the regulations (presented on **Handout E-2**), the public agency

must provide parents with prior written notice whenever it:

(1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or

(2) Refuses to initiate or change the identification, evaluation, or educational

placement of the child or the provision of FAPE to the child. [§300.503(a)]

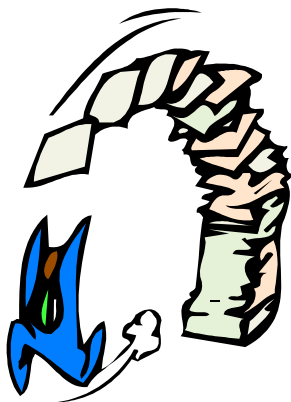
The notice must contain *specific content* to ensure that parents are fully informed of the proposal



§300.503 Prior notice by the public agency; content of notice

- *Written notice must be given to the parents of a child with a disability a reasonable time before the school:*
 - (a) proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
 - (b) refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
- A parent may elect to receive notices by email communication, if the school makes that option available.

[§300.503(a)]



- *Written notice must include:*
 - (a) a description of the action proposed or refused by the school;
 - (b) an explanation of why the school proposes or refuses to take the action;
 - (c) a description of each evaluation procedure, assessment, record, or report the school used as a basis for their decision;
 - (d) a statement that the parents of a child with a disability have protection under the procedural safeguards and, how the parents can obtain a copy of them;
 - (e) sources for parents to contact to obtain assistance in understanding these provisions;
 - (f) a description of other options that the IEP Team considered and the reasons why those options were rejected; and
 - (g) a description of other factors relevant to the school’s proposal or refusal.

[§300.503(b)]

- *Written notice must be:*
 - (a) written in language understandable to the general public; and
 - (b) 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 other mode of communication of the parent is not a written language, the school must take steps to ensure—
 - (a) that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - (b) that the parent understands the content of the notice; and
 - (c) that there is written evidence that these requirements have been met.

[§300.503(c)]

or refusal. This will be discussed in upcoming slides. For now, focus on the fact that before the agency may take action or refuse to take action with regard to identifying a child as a child with a disability, evaluating the child, determining or changing the child's placement, or refusing to do so, it must provide the parent with proper notice. Nor can the agency change the provision of FAPE (free appropriate public education) to the child, or start providing FAPE, or refuse to provide FAPE or refuse to change the provision of FAPE without providing written notice to the parents a reasonable time before it actually does so. This notification is intended to give parents a full explanation and the opportunity to agree or disagree with what the public agency is proposing or refusing to do. If needed, it also provides parents the opportunity to use the law's other procedural safeguards (such as mediation or due process) to resolve any disputes about the action that the agency is proposing (or refusing) to take.

Take a moment to go through some examples, emphasizing both sides of the action—something a district might *propose* to do, or something it might *refuse* to do. Then focus on the specific action—identification of the child, evaluation, educational placement, or the provision of FAPE to the child. Have

participants generate various instances where prior written notice would have to be provided, starting the list yourself if you need to prompt or frame the discussion. Write these on a flipchart or have one of the participants take notes on the discussion. Prompts might include:

- The school district wants to evaluate a child to see if he is a “child with a disability.” The district is seeking the parent’s consent to do so. Does the district need to provide prior written notice? (Yes, because the district is proposing to *initiate* a child’s evaluation.)
- The parents have asked the district to evaluate their child to see if she is a “child with a disability.” District personnel do not agree with the parents and decide not to conduct the evaluation. Does the district need to provide prior written notice to the parents? (Yes, because the district is *refusing* to initiate the child’s evaluation.)
- The child isn’t doing well in two of his general education classes despite the provision of the supplementary aids and services and program modifications and supports that are listed on his IEP. The district decides to place the child in a special education resource

room instead. Is prior written notice to the parents necessary? (Yes, since the district is proposing to change the child’s placement and the provision of FAPE.)

- The district sees that the child has met her speech-language goals in the IEP—in fact, she has made so much progress that the district substantially reduces the amount of speech-language pathology services provided to the child. Would the district be in violation of IDEA’s notice requirements if it did so before it gave written notice to the parents? (Yes, because the district is proposing to alter the provision of FAPE to the child.)

Use the two boxes on the model form (**Handout E-3**) to go beyond just “yes” or “no” answers. For example, the first box requires a description of the proposed or refused action. The second box requires an explanation for that action. So, how might these two boxes be filled out for each of the examples above?

Indicate that more information must be filled in on this model form, and move on to the next slide to see what that information might be.



Reference

¹ U.S. Department of Education. (2006). *Guidance on required content of forms under Part B of the IDEA*. Retrieved October 4, 2006, from www.ed.gov/policy/speced/guid/idea/modelform-intro.pdf

View 1

Written Notices

More of the model form...

- Description of each evaluation procedure, assessment, record, or report school district used in deciding to propose or refuse the action:

Slide loads this element of the model form for prior written notice.

Written Notices

More of the model form...

- Description of each evaluation procedure, assessment, record, or report school district used in deciding to propose or refuse the action:

- Description of any other choices IEP Team considered & the reason why these choices were rejected:

Click 1

Click 1:
This next element of the prior written notice appears.

(continued on next page) 

Written Notices

More of the model form...

- Description of each evaluation procedure, assessment, record, or report school district used in deciding to propose or refuse the action:

- Description of any other choices IEP Team considered & the reason why these choices were rejected:

- Description of other reasons why school district proposed or refused the action:

Click 2

Click 2:
And now this
element appears.

CLICK AGAIN to advance to next slide.

Slide 10: Background and Discussion

5 Clicks

Slide 10 continues looking at the model form (**Handout E-3**) as a vehicle for examining IDEA's requirements for Prior Written Notice. Here are three more elements that the notice must contain to provide the parents with details about the action being proposed or refused by the public agency:

- Description of each evaluation procedures, assessment, record, or report the school district used as a basis or relied upon for the proposed or refused action.
[§300.503(b)(3)]
- Description of any other options or choices that the IEP Team considered and the reasons why those choices or

options were rejected.
[§300.503(b)(6)]

- Description of other relevant factors or reasons why the public agency proposed or refused the action.
[§300.503(b)(7)]

Clearly, providing prior written notice is an involved and detailed affair, requiring real specifics and thorough disclosure to support the action in question. The model form rearranges some of the provisions in IDEA and reorders them to be in a more natural sequence of information, grouping together similar items.



Written Notices

More of the model form...

- Resources for the parents to contact for help in understanding Part B of the IDEA:

- If this notice is not an initial referral for evaluation, how the parent can obtain a copy of a description of the procedural safeguards:

Slide presents completely, showing these two elements of the prior written notice. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Slide 11 presents the last two elements in the Department's model form for prior written notice. These require districts to specify:

- Resources that parents can contact for help in understanding Part B of IDEA; and
- How the parent can obtain a description of IDEA's procedural safeguards (this information doesn't need to be provided if the notice being provided is not for an initial referral for evaluation).

Take a moment with participants to discuss what resources parents might contact for help in understanding IDEA. We've listed a few in the box on the next page, to share with the audience as you deem appropriate. The Department (2006)

concluded that having a list of such resources on the State's Web site may be one way to provide parents with easy access to assistance in understanding IDEA but notes that "[e]ach State is in the best position to determine whether including this information on its Web site would be helpful to parents." (71 Fed. Reg. 46692)



Resources for Parents

Parent Training and Information (PTI) Centers and Community Parent Resource Centers (CPRCs)

What's a PTI and a CPRC?

<http://www.nichcy.org/pubs/basicpar/bp3txt.htm>

Where do I find my PTI or CPRC?

Listed under NICHCY's State Resource Sheets, under "Organizations Especially for Parents."

<http://www.nichcy.org/states.htm>

Disability Organizations in Your State

What disability are you interested in?

Search for national disability organizations addressing your child's disability.

<http://www.nichcy.org/search.htm>

Is there a State-level chapter of the group?

Visit the group online to see, or look under "Disability-Specific Organizations" on NICHCY's State Resource Sheets.

<http://www.nichcy.org/states.htm>

Other Resources Listed on NICHCY's State Resource Sheets

<http://www.nichcy.org/states.htm>

- State Department of Special Education (many offer parent guides to special education online)
- Client Assistance Programs
- Protections and Advocacy agencies
- State-level disability networks



View 1



Slide loads completely. No clicks are needed except to advance to the next slide.


Slide automatically goes through several screen changes, each time presenting a different version of this stop sign, in a different language, until it ends up at this closing view...

Auto-Load



Here's the final view, the stop sign in English.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



This slide is intended to set up a context for the next slide and IDEA requirement—that prior written notice (and other notices) must be provided in the parent’s native language or mode of communication, unless it is clearly not feasible to do so.

By running through several pictures of stop signs from around the world, the slide shows the multilingual rendering of the same message: STOP. The only real clue as to what each of the signs might mean is their recognizable shape and color. We probably would know to stop at any of these signs, even if we didn’t know the language on the sign.

A possibility of understanding most other messages written in a language we didn’t understand wouldn’t be very high, however, especially a message as complicated and detailed as a prior written notice. This is the reality faced by parents who have a limited proficiency in English—which is why the next slide’s content is so important.

You might engage the audience in a guessing game about this slide’s meaning and intent. What do they think is going on here? Did they immediately recognize, by the shape and color, that the pictures all showed a stop sign? How many languages did they recognize? What’s the point of this slide, and where is it leading?

Prior Written Notice



Written notice must be:

- written in language understandable to general public
- provided in native language of parent or other mode of communication used by parent*

* Unless it is clearly not feasible to do so

Slide presents completely. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Building on the context established in the last slide, Slide 13 shifts the focus from what must be included in the prior written notice a district provides to parents to *how* the notice is expressed or communicated to ensure that parents understand its content or the required information. The IDEA regulations require both elements listed on the slide, that the notice must be:

- Written in language that the general public can understand; and
- Provided in the parent's native language or mode of communication, unless it is clearly not feasible to do so.

The exact regulatory text is provided for your convenience in the box on the next page. It is also important to note that these same provisions are incorporated into the requirements for the procedural safeguards notice. [§300.504(d)]. The procedural safeguards notice is discussed further below, but the discussion references back to these same requirements.

The first two of these provisions are noted on the slide and are consistent with other IDEA provisions regarding the use of native language or mode of communication to ensure that messages are understood. (IDEA's definition of "native language" is found at §300.29 and is also presented in the box on the next page.) Other notable

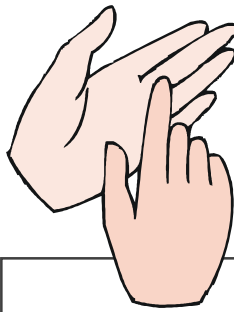
places where the regulations reference native language are:

- A child must be evaluated in his or her native language or mode of communication. [§300.306(c)(1)(ii)]
- Consent is defined so that parents are informed, in their native language, of all information relevant to the activity for which consent is being requested. [§300.9]
- Public agencies must provide parents with an interpreter if they are deaf or have limited English proficiency. [§300.322(e)]

The modules on *Introduction to Evaluation* and *Meetings of the IEP Team* discuss these, further.

And If The Parent's Language Is Not a Written One?

Not mentioned on the slide but potentially very important to mention to your audience (referring them to **Handout E-2**) is what a public agency must do to provide understandable prior written notice when the parent's language is not a written one. IDEA requires that the public agency takes steps to ensure that the notice is "translated orally or by other means" to the parents in their native language, with the underlying requirement of ensuring that the parent understands the content. Furthermore, there must be written evidence that the public agency has met these two requirements at §300.503(c)(2)(i) and (ii). The Department noted that these rights "are essential to ensure that public agencies provide all parents the requisite prior written notice in a meaningful and understandable manner" (71 Fed. Reg. 46692).



§300.503(c):

Making Notice Understandable to Parents

(c) *Notice in understandable language.* (1) The notice required under paragraph (a) of this section must be—

- (i) Written in language understandable to the general public; and
- (ii) 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.

(2) If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure—

- (i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- (ii) That the parent understands the content of the notice; and
- (iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met.

§300.29 Native language.

(a) *Native language*, when used with respect to an individual who is limited English proficient, means the following:

(1) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in paragraph (a)(2) of this section.

(2) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

(b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).



View 1

Simon Says



Stand up.

Slide loads with this view. It also advances automatically (through the scenes shown below), so no clicks are needed except to advance to the next slide.

Auto-Load

Simon Says

Are you UP?



Stand up.

Picture automatically advances, and "Are you up?" appears.

(continued on next page) 

Simon Says

Are you UP?

Good, good...

Stand up.

Auto-Load

CLICK to advance to next slide.

Picture automatically advances, and "Good, good..." appears.

Slide 14: Background and Discussion

Slide 14 is all about—taking a break! But taking a *meaningful* break, a break that stimulates the mind and muscles, stirs the blood, and reactivates attention.

Tell your audience that in a moment the “procedural safeguards notice” is going under the microscope, but not just yet. First everyone has to clear their mind. Have the audience get to their feet. Are they up? Good, good...

When you see that the audience is really up on their feet, **CLICK** to advance to the next slide, which will guide them through a few movements to get the kinds out.

Using the Next Two Slide to Guide the Break

The upcoming two slides are designed to guide the audience through a few simple stretches and other relaxation techniques.

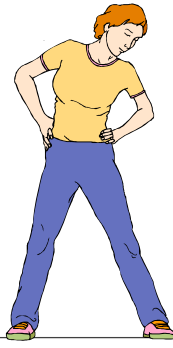
Devote at least 2 minutes to this break. Nothing potentially vigorous enough to strain muscles or cause accidents, but movement nonetheless, accompanied by deep breaths. Depending on the amount of space available and the dignity and capabilities of the audience, you might have participants:

- raise their hands above their heads, reaching for the sky (or ceiling);

- lower their arms, place their hands on their hips;
- twist gently left, twist right;
- let their arms hang loose;
- touch their left shoulder with their right hand, reverse;
- lift one shoulder toward the ear, then the other;
- roll their shoulders, then their head, loosening up those neck muscles;
- reach for the sky again...

Auto-Load

Interesting research exists to suggest the benefits that physical movement can bring to learning—in particular, a break that involves physical movement refreshes the brain, gets the blood flowing, loosens the kinks that develop from sitting in class or training, and releases stress even as it reactivates attention.



Note to Trainer

The next two slides are designed to automatically guide participants, in an easy and non-injury-prone way, to stretch, breathe, and unwind. You won't have to click to go from Slide 15 to Slide 16; it'll just automatically happen.

When the screen shows the final picture—that of a flying eagle and a flying little boy (yes!)—this mini-break is done. You'll have to click to advance after that. If you'd like to give the audience a longer break, don't click until they come back at whatever time you've designed!

Simon Says

1



Stretch.

All of the following images auto-load. Have the audience watch the screen, if they'd like, which will give them some ideas for gentle relaxation and unwinding.

Slide 15 auto-advances to Slide 16 (shown on the next page), so just let the slide show run until you reach the last image shown at the bottom of the next page.

Simon Says

2



Breathe.

Simon Says

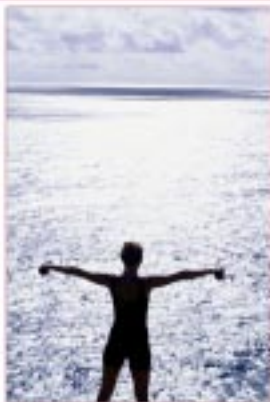
4



None of this, please.

Simon Says

3



Unwind.

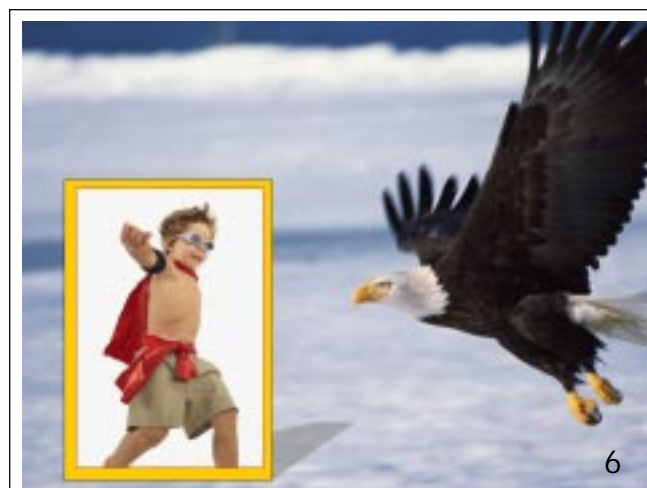
Simon Says

5



Just get the knots out.

(continued on next page) 



If you'd like to give the audience a longer break, don't click until they come back!

CLICK AGAIN to advance to next slide.

(discussion on next page) 