

IT'S A GREAT I.D.E.A!

Procedural Safeguards





WELCOME

We are glad you are here





Family
Driven



Non-Profit
501(c)3

Family Network on Disabilities

We do **NOT**:

act as Attorneys,
Doctors, or
Mental Health
Professionals

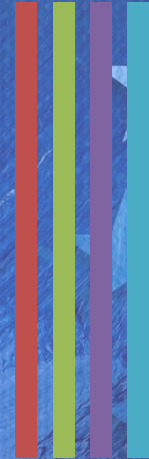
What We **DO**:

provide is:
Information,
Resources, and
Support

Thank you and Welcome



**The Individuals with
Disabilities Education Act
is the nation's federal
special education law**





The Six Major Principles of the IDEA

PROCEDURAL SAFEGUARDS



The rights and responsibilities that go along with ESE, Exceptional Students Education Services.





PROCEDURAL SAFEGUARDS



**Rights for you
and your child**





The Right to Have Written Notice

A man in a blue button-down shirt is seated at a wooden conference table, gesturing with both hands as he speaks to a woman in a black top. The woman is seen from the side, listening intently. In the background, a large window shows a blurred cityscape. A laptop is open on the table to the right. A blue banner with white text and a decorative graphic is overlaid on the bottom left.

The Right to Participate

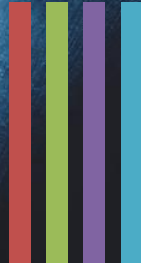


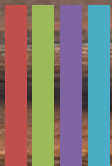


**The Right to Give,
Not Give, or
Withdraw Consent**



Steps in Solving Problems





Dispute Resolution

Mediation



MEDIATOR

DISPUTE

PROBLEM

CONFLICT

A hand in a dark suit sleeve is holding a white envelope with the word "COMPLAINT" printed in large, bold, red capital letters. The envelope is tilted as if about to be placed into a clear ballot box. The background is dark and out of focus.

COMPLAINT

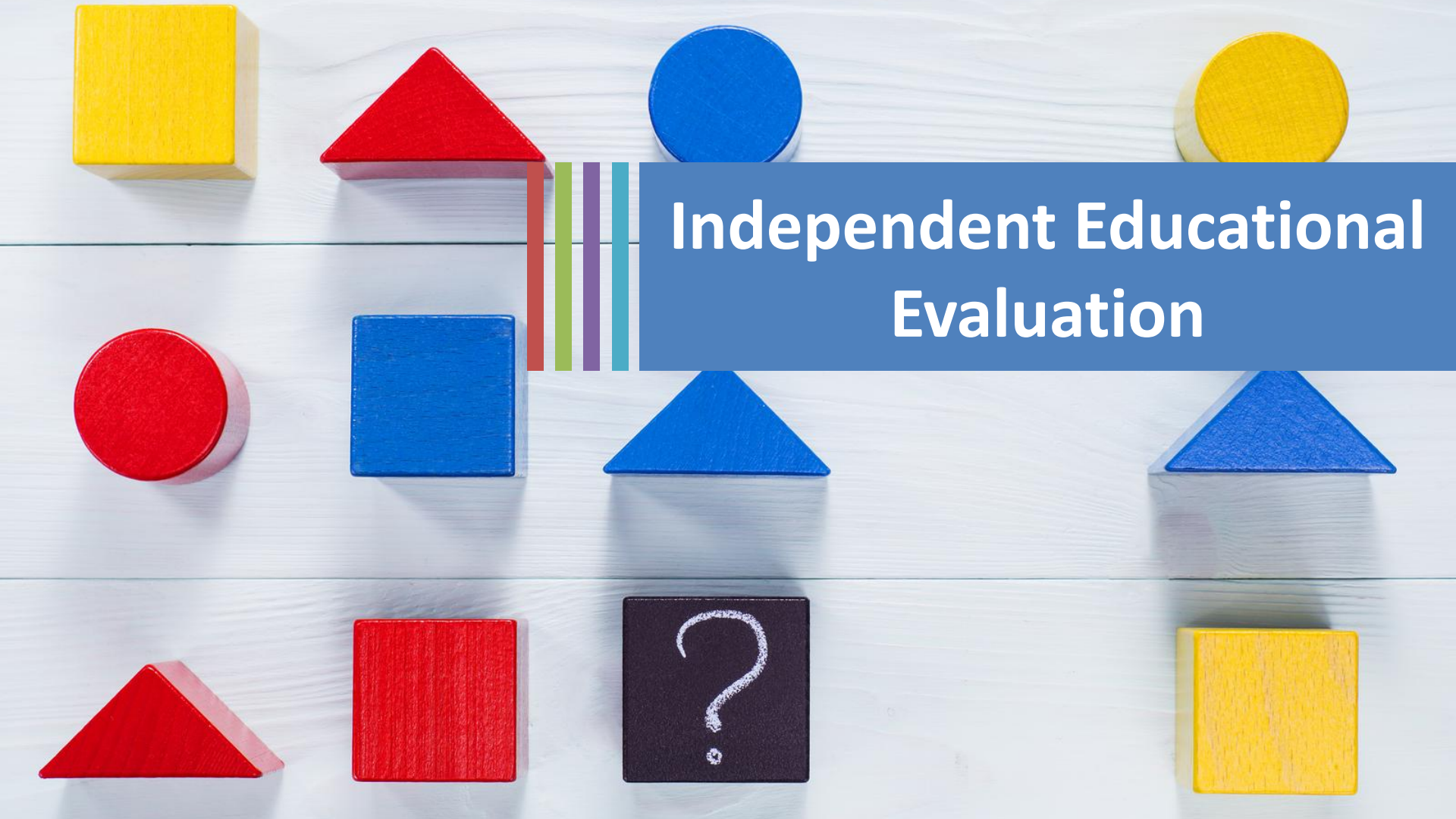
Four vertical bars of different colors: red, green, purple, and teal.

**Formal State
Complaint**



Due Process Hearing





Independent Educational Evaluation

DISCIPLINE OF STUDENTS WITH DISABILITIES

Days of Removal	Services
During the first 10 <i>cumulative</i> days of removal during a school year.	The school does not have to provide services if they do not provide services to students without disabilities who have been removed for similar misconduct.
During any removal of less than 11 days in a row that would result in a total of more than 10 cumulative school days in a school year. Beginning on the 11 th cumulative school day of removal, educational services must be provided.	<ol style="list-style-type: none"><li data-bbox="763 339 1818 467">1. The school must provide services that the student needs to make progress in the general curriculum and toward their annual goals. School personnel decide which services the student needs.<li data-bbox="763 525 1818 696">2. The IEP team must meet to develop a plan for carrying out a <i>functional behavior assessment</i> and for developing a <i>behavioral intervention plan</i> (if one has not been done) or to review the existing plan and its implementation and change it as needed.

Discipline of Children with Disabilities





Discipline of Children with Disabilities

During any removal of more than 10 days in a row

or

during a removal that is part of a pattern of removals that together comprise more than 10 school days in a given school year and that form a pattern because of the length of each removal, the total amount of time during the school year the student is removed, or the proximity of the removals to one another.

Both of these situations count as changes of placement.

1. The school must provide services that the student needs to make progress in the general curriculum and toward their annual goals. The IEP team decides which services the student needs.
2. The IEP team must meet to develop a plan for carrying out a **functional behavioral assessment** and for developing a **behavioral intervention plan** (if one has not been done) or to review the existing plan and its implementation and change it as needed.
3. The IEP team must carry out a **manifestation determination review** within 10 school days of any decision to change the placement of a student with disabilities because of a violation of a code of student conduct.
 - A. If the misbehavior is **not** due to the student's disability, the student may be disciplined in the same way as a student without a disability but the student must continue to receive educational services during the removal.
 - B. If the misbehavior is due to the student's disability and did not involve weapons, drugs, or serious bodily injury to the student or others, the school may return the student to their current placement or the school may choose to change the child's placement using the IEP team's regular **change of placement** procedures. If there were deficiencies in the IEP or placement, the school must remedy the deficiencies.
 - C. If the misbehavior is due to the student's disability and involved weapons, drugs, or serious bodily injury, the IEP team determines an interim alternative educational setting.
 - D. If the misbehavior is due to the student's disability and a **hearing officer** determines the student may be dangerous to themselves or others, school personnel will recommend an interim alternative placement to a hearing officer, who makes the placement decision.



School Records



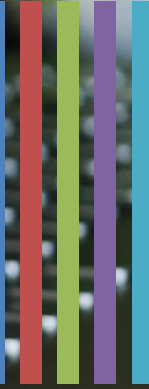
A close-up photograph of a wooden cabinet drawer. A decorative, ornate metal label is affixed to the front of the drawer, featuring a central white rectangular area with the word "Confidential" printed in a black, typewriter-style font. The metal label has intricate scrollwork and floral patterns. The wooden drawer is light-colored and shows some wear. In the background, several white papers are visible, stacked inside the drawer. The lighting is warm and focused on the label.

Confidential

A blue banner with white text is positioned at the bottom of the image. To the left of the text is a vertical bar composed of four parallel lines in red, green, purple, and cyan. The text is centered and reads "The Right to See Your Child's Records and Keep them Confidential" in a bold, white, sans-serif font.

The Right to See Your
Child's Records and Keep
them Confidential

The Right to Ask That School Records Be Changed





**The Right to Have a Hearing
about School Records**





FAMILY NETWORK
ON DISABILITIES

<https://fndusa.org/esedownload/>

(800) 825-5736

f familynetworkondisabilities
family_network_on_disabilities

1 The right of parents to receive

a complete explanation of all the procedural safeguards available under IDEA and the procedures in the state for presenting complaints

2 Confidentiality & the right of parents to

inspect and review the educational records of their child

3 The right of parents to participate in meetings

related to the identification, evaluation, and placement of their child, and the provision of FAPE (a free appropriate public education) to their child

4 The right of parents to obtain an independent educational evaluation (IEE) of their child

5 The right of parents to receive "prior written notice" on matters relating to the identification, evaluation, or placement of their child, and the provision of FAPE to their child

6 The right of parents to give or deny their consent before the school may take certain action with respect to their child

7 The right of parents to disagree with decisions made by the school system on those issues

8 The right of parents & schools to use IDEA's mechanisms for resolving disputes, including the right to appeal determinations

Procedural Safeguards

are designed to protect the rights of parents and their child with a disability and, at the same time, give families and school systems several mechanisms by which to resolve their disputes.

The federal regulations for IDEA 2004 include a section (Subpart E) called Procedural Safeguards

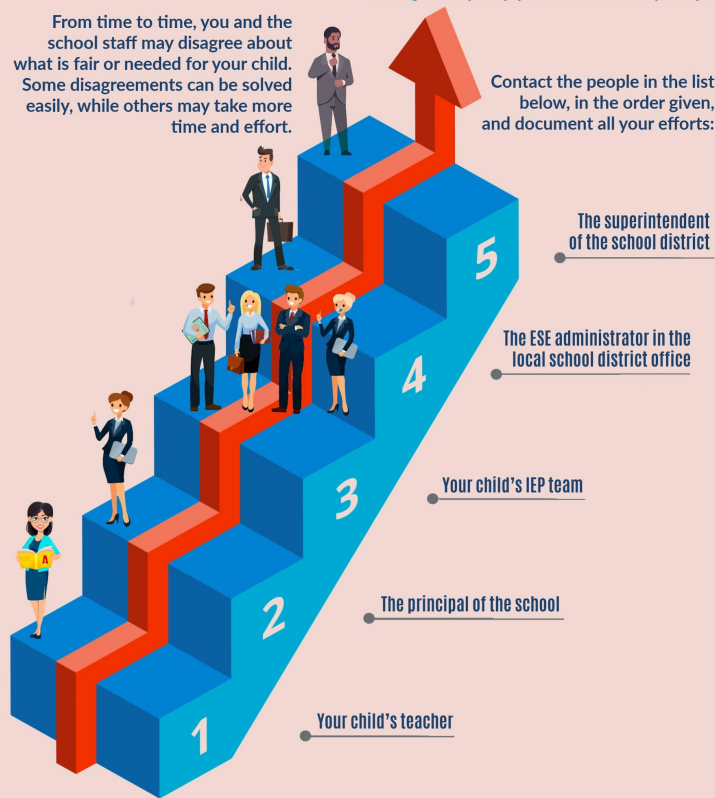
COMMUNICATION LADDER

As the Parent of a Student with Disabilities

fldoe.org/core/fileparse.php/7674/urlt/0064540-eseparent.pdf

From time to time, you and the school staff may disagree about what is fair or needed for your child. Some disagreements can be solved easily, while others may take more time and effort.

Contact the people in the list below, in the order given, and document all your efforts:

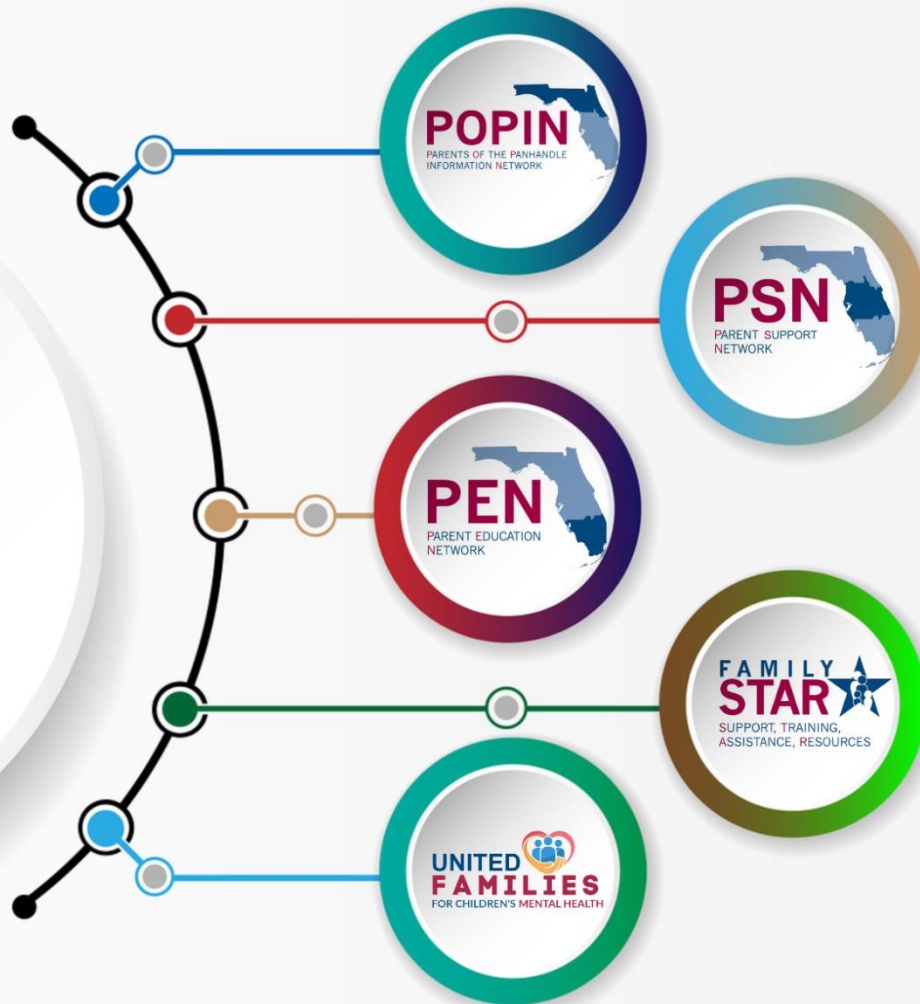


More Resources: fndusa.org/esedownload/



FAMILY NETWORK ON DISABILITIES

founded in 1985 by a group of parents of children with disabilities who came together for mutual support and information-sharing





FAMILY NETWORK ON DISABILITIES

Follow us on Social Media and
take advantage of the free
high-quality collection of
resources available with just
one click!

ESE DOWNLOADABLE RESOURCES

fndusa.org/esedownload/
fndusa.org/special-healthcare-resources
fndusa.org/media/social-stories/
fndusa.org/media/sound-bank/

EN ESPAÑOL

fndusa.org/recursos-educacion-especial/
fndusa.org/salud-necesidades-especiales/



@FamilyNetworkonDisabilities



@family_network_on_disabilities



@FND_USA

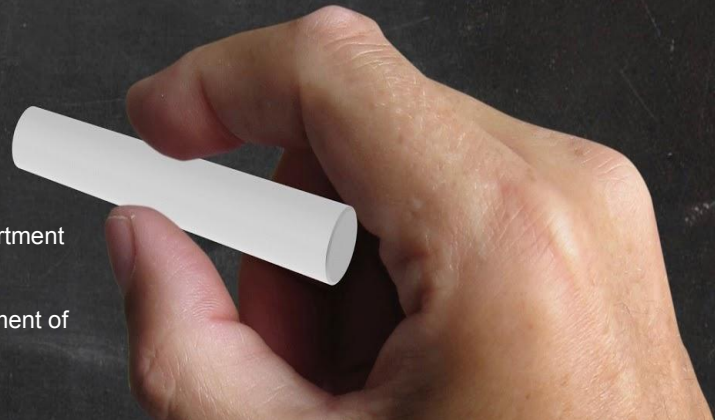
www.fndusa.org



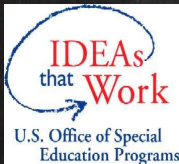
FND UNIVERSITY
A non-accredited online
system specially
designed to help
parents and
professionals learn
more about special
education at their own
pace.

Available in English and Spanish at,
fndusa.org/fnduniversity/

EVALUATION



The contents of this presentation were developed under a grant from the US Department of Education, and or the Department of Health #H328M150041, #H328M150041, & #H328M150041 However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the federal government. project Officer, David Emenheiser





Thank you!

For more information,
please contact:

**Family Network on
Disabilities**

Family Network on Disabilities

26750 U.S. Highway 19 North,
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Clearwater, FL 33761

- [\(727\) 523-1130](tel:(727)523-1130)
- [\(800\) 825-5736](tel:(800)825-5736)
- fnd@fndusa.org

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