

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Special Education – Procedural Safeguards

Policy Number: IGBAG Effective Date: 6/2024

Date of Original Policy and Revisions: 2/08, 7/08, 5/09, 5/12, 6/15, 1/18

Cancels Policy No.: N/A Dated: N/A

Date of Next Review: 6/2027

POLICY

Procedural Safeguards – General

A district ensures that students with disabilities and their families are afforded their procedural safeguards related to:

1. Access to students’ educational records;
2. Guardian and adult student participation in special education decisions;
3. Transfer of rights to students who have reached the age of majority;
4. Prior written notice of proposed District actions;
5. Consent for evaluation and for initial placement in special education¹;
6. Independent educational evaluation;
7. Dispute resolution through mediation, state complaint investigation, resolution sessions and due process hearings;
8. Discipline procedures and protections for students with disabilities, including placements related to discipline;
9. Placement of students during the pendency of due process hearings;
10. Placement of students by their guardian(s) in private schools;
11. Civil actions; and,
12. Attorney’s fees.

Procedural Safeguards Notice

The District provides to guardian(s) a copy of the *Procedural Safeguards Notice*, published by the Oregon Department of Education, at least once per year and upon initial referral or guardian request for special education evaluation, and when the guardian requests a copy. The District also gives a copy to the student at least a year before the student’s 18th birthday or upon learning that the student is considered emancipated.

The District provides the *Procedural Safeguards Notice* in the guardian’s native language or other mode of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the guardian is not a written language, the District takes steps to ensure that the notice is translated orally or by other means understandable to the guardian and that the guardian understands the content of the notice. The District maintains written evidence that it meets these requirements.

¹If, at any time subsequent to the initial provision of special and related services, the guardian of a child revokes consent in writing for the continued provision of special education and related services, the District: 1) may not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services; 2) may not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child; 3) the District will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services; and 4) the District is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education or related services.

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Guardian or Adult Student Meeting Participation

The District provides guardians or adult students an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the student, and the provision of a free appropriate public education (FAPE) to the student.

The District provides guardians or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:

- a. States the purpose, time and place of the meeting and who is invited to attend;
- b. Advises that guardians or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
- c. Advises that the team may proceed with the meeting even if the guardians are not in attendance;
- d. Advises the guardians or adult students who to contact before the meeting to provide information if they are unable to attend; and
- e. Indicates if one of the meeting's purposes is to consider transition services or transition services needs. If so:
 - (1) Indicates that the student will be invited; and,
 - (2) If considering transition services, identifies any agencies invited to send a representative (with guardian or adult student consent).

The District takes steps to ensure that the guardian(s) of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:

- f. Notifying guardians of the meeting early enough to ensure that they will have an opportunity to attend; and,
- g. Scheduling the meeting at a mutually agreed upon time and place.

If the guardian(s) can attend, the District will use other methods to ensure an opportunity to participate, including, but not limited to, individual or conference phone calls or home visits.

The District may conduct an evaluation planning or eligibility meeting without the guardian or adult student if the District provided meeting notice to the guardian or adult student sufficiently in advance to ensure an opportunity to attend.

Access to Records

A guardian is entitled at any reasonable time to examine all of the records of the District pertaining to the identification, evaluation and educational placement of their child and the provision of FAPE to their child. Records must be provided without undue delay, which may not exceed 10 business days, as defined in ORS 192.311, from the date of the request for the records. Records may be redacted only to the extent necessary to protect personally identifiable information of other children unless disclosure is authorized by law or court order.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

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REFERENCES / COMMENTS

ORS 343.155	OAR 581-001-0005	OAR 581-015-2330
ORS 343.165	OAR 581-015-2000	OAR 581-015-2305
ORS 343.173	OAR 581-015-2195	OAR 581-015-2345
ORS 343.177	OAR 581-015-2030	OAR 581-015-2310
ORS 343.181	OAR 581-015-2095	OAR 581-015-2385
	OAR 581-015-2190	OAR 581-015-2090
	OAR 581-015-2325	OAR 581-015-2360

Assistance to States for the Education of Children with Disabilities, 34 C.F.R. §§ 300.300, 300.500 – 300.505, 300.515, 300.517.

[Bethel Administrative Rule IGBAG: Special Education –Procedural Safeguards](#)