

## SECTION IV

### Procedural Safeguards

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#### A. ASSURANCE: Procedural Safeguards

Grant Parish School Board assures that it has established and maintains procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (FAPE). The board assures that the procedures include all procedural safeguards contained in Bulletin 1706, The Regulations for the Implementation of the Exception Children's Act.

Grant Parish School Board further assures that each of its prior notification letters meet state requirements and a copy of each is included in this application.

Additionally, the LEA assures that it utilizes the most current edition of the "Louisiana Educational Rights of Exceptional Children," as required, to notify children with disabilities and their parents of all procedural safeguards available to them.

#### B. Definitions

*Consent* means that:

>The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

>The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes the activity and lists the records (if any) which will be released and to whom;

>The parent understands that consent must be

obtained before the identification, evaluation and educational placement in a special education program; and

>The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

*Personally Identifiable* means that the information includes:

>The name of the child, the child's parents, or other family members;

>The address of the child;

>A personal identifier such as the child's social security number or student number; or

>A list of the personal characteristics or other information which would make it possible to identify the child with reasonable certainty.

#### C. Procedures: Prior Notice

##### Content of Notice:

The Supervisor of Special Education has developed content standards for each written notice that is given to parents prior to:

>A proposal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child; or

>A refusal to initiate or change the identification, evaluation, or educational placement of the child or to provide a free appropriate public education to the child.

**The notice shall contain:**

>A full explanation of all of the procedural safeguards available to the parent.

>A description of the action proposed or refused by the school system, and explanation of why the school system proposes or refuses to take the action, and a description of any options the school system considered and the reasons why those options were rejected.

>A description of each evaluation procedure, test, record or report that the school system uses as a basis for the proposal or refusal, and

>A description of any other factors which are relevant to the school system's proposal or refusal.

>Notices scheduling IEP meeting shall contain a description of the purpose of the meeting, date, time, location of the meeting, list of who will be in attendance, and a copy of the procedural safeguards.

*(Sample notices are included in the appendix.)*

The following chart outlines the timelines, responsible person, and action necessary in proposing individual educational evaluations, and developing IEPs.

<b>Proposal</b>	<b>Action</b>	<b>Timeline</b>	<b>Person Responsible</b>
Initial Evaluation (In School)	Full & Effective Notice and Request Parental Consent	3 days from Receipt of Referral by SBLC	PAS Contact Person
Initial Evaluation (Out of School)	Full & Effective Notice and Request Parental Consent	3 days from Review of Screening	PAS Contact Person
Re-evaluations	Full & Effective Notice and Request Parental Consent	10 days prior to initiation of the re- evaluation	Evaluation Coordinator
Initial IEP (In School)	Full & Effective Notice	10 days prior to IEP Meeting	Teacher
	Parental Consent	At the Meeting	Teacher
Initial IEP (Out of School)	Full & Effective Notice	10 days prior to IEP Meeting	Teacher
	Parental Consent	At the meeting	Teacher
Review IEP	Full & Effective Notice	10 days prior to IEP Meeting	Teacher
	Parental Consent	At the Meeting	Teacher or ODR

Activities undertaken to ensure that full and effective notice is provided in the native language of the parent or in the parent's mode of communication: [34 CFR 300.505 (c)(1-3)]

The person responsible (as noted above) for providing full and effective notice to parents must contact the school, the family, or other persons knowledgeable and determine if:

- >The parent does not speak English,
- >The parent does not read English,
- >The parent requires an interpreter for the deaf,
- >The parent requires the notice in braille or in large print.

If any of the above instances exist, the person responsible must ensure provision of full and effective notice; request for consent; interpretation of the evaluation, if needed; and conduct the IEP meeting in the mode of communication required by the parent.

The person responsible must document the need(s) that exist; the mode of communication used; the date(s) of such activities; and provide a statement that the parent understood the activity conducted (i.e., full and effective notice, interpretation of evaluation, IEP meeting, request for consent).

#### **D. Independent Educational Evaluation**

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question. The evaluation must be conducted according to the criteria in Bulletin 1508 and Bulletin 1706.

*Public expense* means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided

at no cost to the parent.

The Supervisor of Special Education will have the responsibility to ensure that parents are informed verbally and in writing of their right to obtain an independent individual evaluation.

The information presented to the parent in writing shall meet the requirements of Section 504 of Bulletin 1706.

#### **E. Due Process Hearing**

The Supervisor of Special Education is responsible for ensuring that the following procedures are implemented:

- Offer of mediation
- Initiation of a hearing (509 of *Bulletin 1706*)
- Hearing Officer Appointment and Designation (510 of *Bulletin 1706*)
- Hearing Procedures (511 of *Bulletin 1706*)
- Costs (512 of *Bulletin 1706*)
- Review of Hearing Decisions (513 of *Bulletin 1706*)
- Appeal (517 of *Bulletin 1706*)
- Child Status During Proceedings (518 of *Bulletin 1706*)

#### **F. Surrogate Parents**

##### **Determination of when a child needs a surrogate parent:**

*Grant Parish Schools* has appointed the Supervisor of Special Education as Surrogate Parent Coordinator.

Any *Grant Parish* school employee who believes

that a child may require a surrogate parent shall notify the Supervisor of Special Education.

The employee may submit notification of a possible need for a surrogate either by submitting the information using the form "Surrogate Parent Determination", which is provided to all special education personnel.

Note: Foster parents are afforded the same educational rights as natural parents and thus do not require surrogate training.

The Surrogate Parent Coordinator shall establish the following:

- >The age of the child. Students over the age of eighteen (18) do not require surrogates.
- >The person/agency responsible for providing physical care of the child.
- >The person/agency that has legal custody of the child.

Based on this information, the Surrogate Parent Coordinator will make a determination based on the Surrogate Parent Matrix of the child's need for a surrogate parent.

#### **Recruitment of Surrogate Parents:**

The Surrogate Parent Coordinator shall attempt to recruit volunteers to serve as surrogate parents at least annually by contacting and providing pertinent information and applications to the following groups:

- Community volunteer groups
- University and college personnel
- Church groups
- Organizations of retired persons
- Parent groups

The Supervisor of Special Education shall review the applicants and conduct interviews with the applicants to determine their interest

and willingness to be trained.

#### **Training of surrogate parents:**

Grant Parish Schools shall adopt the State Department of Education's training packet and video tape inservice materials to train surrogates which will address the identification and evaluation of students who are exceptional and the provision of a free appropriate public education.

The Surrogate Parent Coordinator shall conduct a training session with each surrogate parent to ensure that they have adequate knowledge to effectively represent the child. The initial training session will be 3 hours in length. The Surrogate Parent Coordinator shall, on an annual basis, provide a refresher 2 hour training session for all surrogate parents.

#### **Selecting and Appointing the Surrogate Parent:**

When it is determined that a surrogate parent is needed, the Surrogate Parent Coordinator shall review the applicants and determine a pool of eligible persons to serve as surrogates, based on the following criteria:

- >Applicant has completed the required training.
- >Applicant is over twenty-one years of age.
- >Applicant has no interest that conflicts with the interests of the child.
- >Applicant is not an employee of the agency involved in the education or care of the child, nor is the spouse of such an employee.

The Supervisor of Special Education shall review the applicants to determine that the above conditions are met prior to requesting their services for a particular child.

The surrogate parent will be offered all procedural safeguards necessary for FAPE.

The surrogate parent selected shall remain in that appointment until the legal status of the child changes or the surrogate does not fulfill the functions as determined by the Supervisor of Special Education.

Any person appointed as a surrogate parent is protected by the "limited liability" of R.S. 17:1958.

## **G. Complaint Management System**

If a parent, child, surrogate parent, child advocate, or other individual has reason to believe that *Grant Parish School Board* has violated a requirement of federal or state law, regulations, policies, rights, procedural safeguards or program standards adopted by BESE and administered by the state educational agency thereby posing problems for parents, children, or others regarding the identification, evaluation, and provision of a Free Appropriate Public Education (FAPE) to exceptional children or those children suspected of being exceptional, they have the right to file a complaint with the State Department of Education. The Supervisor of Special Education shall, on request, provide such person(s) with the necessary information to file a formal complaint.

*(See Special Education Parent Handbook (with Surrogate Parent Section) for necessary information.*