

Students

SUBJECT: DUE PROCESS RIGHTS FOR PARENTS OF CHILDREN WITH DISABILITIES

In accordance with the Individuals With Disabilities Education Act (IDEA as well as Part 200 of the Regulations of the Commissioner of Education, a procedural safeguards notice must be provided to parents, as required by Section 1410(d)(1) of IDEA, upon:

- a) Initial referral for evaluation for the provision of special education services;
- b) Each notice of an individualized education program (IEP) meeting;
- c) Reevaluation of the child;
- d) Registration of a request for a due process proceeding (mediation or an impartial hearing);
- e) A decision to remove a child from his/her current educational placement for more than ten (10) cumulative or consecutive days in a given school year as the result of disciplinary action [20 United States Code (USC) 1415(k)(4)(A)].

New York State Regulations also require the procedural safeguards notice to be provided to parents when:

- a) The Committee on Special Education/Committee on Preschool Special Education notifies the parent of its recommendation;
- b) The recommendation is reviewed by the Board of Education.

Individuals With Disabilities Education Act (IDEA)
USC Sections 1400-1485
Education Law Sections 4401-4407
8 New York Code of Rule and Regulations (NYCRR) Part 200

Adopted: 10/16/00