As a parent, you are entitled to information about your rights under the Individuals with Disabilities Education Act (IDEA). These rights, or *procedural safeguards*, are intended to ensure that you have the opportunity to be a partner in the educational decisions made regarding your child.

This notice of your procedural safeguards will be made available to you, at least one time a school year, except that a copy also must be given to you:

-

action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child's individual educational plan (IEP) team considered and the reasons why those choices were rejected; **and**
8. Provide a description of other reasons why your school district proposed or refused the action.

Notice in understandable language

The notice must be:

1. Written in language understandable to the general public; **and**
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; **and**
3. There is written evidence that 1 and 2 have been met.

NATIVE LANGUAGE

34 CFR §300.29

Native language, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a student, the language normally used by the student's parents;
2. In all direct contact with a student (including evaluation of the student), the language normally used by the student in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, braille, or oral communication).

ELECTRONIC MAIL

34 CFR §300.505

If your school district offers parents the choice of receiving documents by email, you may choose to receive the following by email:

CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

34 CFR §300.622

Unless the information is contained in education records, and the disclosure is authorized without parental consent under FERPA, your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible student who

me

including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; **and** (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;

4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; **and**
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; **and** (b) the reasons for the Department of Education's final decision

Time extension; final decision; implementation

The Department of Education's procedures described above also must:

1. Permit an extension of the 60-calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; **or** (b)

In addition, in accordance with §1008.212, F.S., in the event that your school district superintendent requests that an extraordinary exemption from participation in a state assessment be granted to your child and the Commissioner of Education denies this request, you have the right to request an expedited due process hearing. This request would be made to the Department of Education. Upon your request, you would be informed of any free or low-cost legal services and other relevant services available. The Department of Education will arrange a hearing on this matter with the State of Florida Division of Administrative Hearings. The hearing must begin within 20 school days following receipt of your request. The administrative law judge (ALJ) must make a determination within 10 school days after the expedited hearing is completed.

The due process hearing request must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process hearing request within the timeline because:

1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; **or**
2. The school district withheld information from you that it was required to provide you under Part B of the IDEA.

Legal Services

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you or the school district file a due process hearing request.

DUE PROCESS HEARING REQUESTS

34 CFR §300.508

General

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must submit a due process hearing request to the other party. That due process hearing request must contain all of the content listed below and must be kept confidential.

You or the school district, whichever one filed the due process hearing request, must also provide the Department of Education with a copy of the due process hearing request.

Content of the due process hearing request

The due process hearing request must include:

1. The name of the student;
2. The address of the student's residence;
3. The name of the student's school;
4. If the student is a homeless child or youth, the student's contact information and the name of the student's school;
5. A description of the nature of the problem of the student relating to the proposed or refused action, including facts relating to the problem; **and**
6. A proposed resolution of the problem to the extent known and available to you or the school district at the time.

Notice required before a hearing on a due process hearing request

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney) files a due

Local educational agency (LEA) or school district response to a due process hearing request

hearing request (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting.

If after making reasonable efforts, and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that the ALJ dismiss your due process hearing request. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process hearing request **or** fails to participate in the resolution meeting, you may ask the ALJ to order that the 45-calendar-day due process hearing timeline begin.

employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be knowledgeable and understand the provisions of the IDEA, and federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by federal and State courts; **and**
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

The Department of Education will keep a list of those persons who serve as ALJs that must include the qualifications of each of those persons.

Subject matter of due process hearing
The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process hearing request, unless the other party agrees.

Timeline for requesting a hearing
You or the school district must request an impartial

Findings and decision to advisory panel and general public

The SEA or the school district (whichever was responsible for your hearing), after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; **and**
2. Make those findings and decisions available to the public.

APPEALS

FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW

34 CFR §300.514

Finality of hearing decision

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described below.

TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS

34 CFR §300.515

The SEA must ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings **or**, as described under

e.(i) -07

the original placement is substantially likely to result in injury to the student or to others.

Whenever a parent or a school district files a due process hearing request, a hearing must be held that meets the requirements described under the headings ***Due Process Hearing Requests, Due Process Hearings***, except as follows:

1. The Department of Education or school district must arrange for an expedited due process hearing, which must occur within **20** school days epdreq7-90 616154-5.8ustgse repdstededg 12.5(m)8.9(u)-4(s)5.3 0 2.6( )]TJ -0.001 Tc40.479 Tw 0 -1.157 Treisults,al d1

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

34 CFR §300.535

Part B of the IDEA does not: