

SPECIAL EDUCATION IN NORTH DAKOTA

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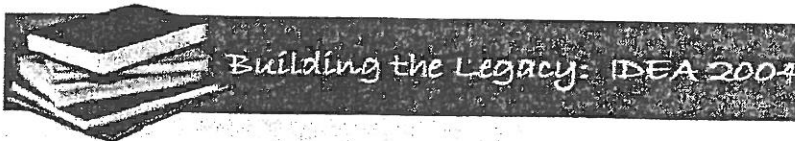


Parental Rights for Public School Students Receiving Special Education Services

Notice of Procedural Safeguards



Dan Pangbourne/Getty Images



United States Department of Education, Office of Special Education Programs (OSEP)

Summary of Procedures Regarding Prior Written Notice, Procedural Safeguards, and Parental Consent

Procedure	Prior Written Notice	Procedural Safeguards	Parent Consent*
Mass screening: procedures used with all enrolled students to identify possible areas of difficulties that could interfere with learning. Examples include screening for vision or hearing, or review of records of all students to identify students at-risk academically.	Not required, but suggested parents be informed	Not required	Not required
Selective screening: procedures used with selected children who are referred due to identified risk factors. It is done to determine the significance of the risk factors to the child's growth and development or academic performance. The result determines whether there is need for referral to BLST or for evaluation.	Required	Not required	Required
BLST: a general education intervention to assist teachers to plan interventions for students who are having difficulty in the general education environment. Classroom components are modified (e.g., mode of presentation, teaching strategies, curriculum, positive behavior interventions, etc.).	Not required	Not required	Not required but involvement urged
Response to Intervention: RTI provides high-quality instruction and interventions matched to the student's need in general education.	Not required	Not required	Not Required
Initial assessment: the first multidisciplinary evaluation of a student who is referred when BLST intervention fails to adequately address the student's difficulties. If a student has received special education services, has been dismissed, and then is referred a second time, the procedures associated with initial assessment must be followed.	Required	Required	Required
Reevaluation: periodic reassessment (conducted every three years as required, or more frequently as requested) of students receiving special education services.	Not required	Not required	Required
Initial Individualized Education Program (IEP) development: preparation of an individual education program by a team of participants as required by regulations following an initial assessment.	Required	Required	Not required
Initial placement: the first time a multidisciplinary team uses assessment data, analyzes and plans for a student's unique educational needs, and concludes that specially designed instruction is required to meet those needs. Typically, the placement decision is made as part of the IEP meeting. If a student has received special education services and has been dismissed, the initial placement procedures must be followed if the student is subsequently assessed and determined to be in need of special education services again.	Required	Required	Required
Annual IEP review: review of current IEP and preparation of a new or revised IEP at least every 12 months by a team of participants as required by regulations. Review of placement as well as plans for programming and services are included.	Required	Required	Not required
Dismissal from program: termination of special education services because the student no longer needs them, or the parent or student requests termination of services.	Required	Required	Not required
Registration of a due process complaint: If a parent disagrees with the identification, evaluation, educational placement or other aspects relating to their child's free appropriate public education they may file a written complaint or request a due process hearing.	Required (see page 12)	Required	Not required
Filing of a state complaint: If a parent believes that the school has violated a requirement of IDEA 2004 they may file a complaint with the state.	Not required	Required	Not required
Other agency invitation to Secondary Transition Meeting: If another agency is participating in the Secondary Transition Services needed by a student, parent consent must be given to invite them to the meeting.	Not required	Not required	Required

*Parent consent is required when information is collected on an individual child that is not being obtained for all individuals in the same school, grade, or class (Hatch Act, 1974, amended to General Education Provisions Act, 1984, 34 CFR 98).