

**281—41.504(256B,34CFR300) Procedural safeguards notice.**

**41.504(1) General.** A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only once a school year, except that a copy also must be given to the parents as follows:

- a. Upon initial referral or parent request for evaluation;
- b. Upon receipt of the first state complaint under rules 281—41.151(256B,34CFR300) to 281—41.153(256B,34CFR300) and upon receipt of the first due process complaint under rule 281—41.507(256B,34CFR300) in a school year;
- c. In accordance with the discipline procedures in subrule 41.530(8); and
- d. Upon request by a parent.

**41.504(2) Internet website.** A public agency may place a current copy of the procedural safeguards notice on its Internet website if a website exists.

**41.504(3) Contents.** The procedural safeguards notice must include a full explanation of all the procedural safeguards available under this chapter relating to the following:

- a. Independent educational evaluations;
- b. Prior written notice;
- c. Parental consent;
- d. Access to education records;
- e. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, and must explain:
  - (1) The time period in which to file a complaint;
  - (2) The opportunity for the agency to resolve the complaint; and
  - (3) The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
- f. The availability of mediation;
- g. The child's placement during the pendency of any due process complaint;
- h. Procedures for students who are subject to placement in an interim alternative educational setting;
- i. Requirements for unilateral placement by parents of children in private schools at public expense;
- j. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
- k. Civil actions, including the time period in which to file those actions; and
- l. Attorneys' fees.

**41.504(4) Notice in understandable language.** The notice required under subrule 41.504(1) must meet the requirements of subrule 41.503(3).

**41.504(5) "Summaries" of procedural safeguards limited.** An AEA or LEA may only provide a document summarizing the procedural safeguards notice if that document has been approved by the department. Any summary is to inform parents that the summary is only provided for the convenience of the reader and is not a replacement for the procedural safeguards notice. Any approved summary of the procedural safeguards notice will be given along with the procedural safeguards notice and will not be given in place of the procedural safeguards notice.

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