

Procedural Safeguards

6505.19

Gage County School District No. 34 ensures that children with disabilities and their parents are afforded the procedural safeguards required in 92 NAC 51-009.

CONFIDENTIALITY.

Gage County School District No. 34 shall comply with the requirements with the requirements contained in 92 NAC 51-009 relating to the confidentiality of records and information.

PERSON(S) RESPONSIBLE: Administrator, Director of Special Education or Coordinator, or Teaching Staff.

TIMELINE: Ongoing.

MATERIALS: Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA), School Handbook, List of staff with access to personally identifiable student information

METHODS: The district will maintain all personally identifiable student information in conformance with FERPA and 92 NAC 51. If a parent requests a hearing to challenge the content of a student record, the Superintendent will identify a hearing officer and arrange for a hearing. All staff will receive training regarding the confidentiality requirements contained in FERPA, 92 NAC 51 and the district's policies and procedures.

Procedural Timelines.

PERSON(S) RESPONSIBLE: Administrator, Director of Special Education or Coordinator, or Special Education Teacher.

TIMELINE: As specified in 92 NAC 51-009.

MATERIALS: District forms.

METHODS: The district will follow the procedures specified in 92 NAC 51 -009.02 when determining appropriate timelines.

Prior Written Notice.

PERSON(S) RESPONSIBLE: Administrator, Director of Special Education or Coordinator, or Special Education Teacher.

TIMELINE: Seven to ten calendar days prior to the action.

MATERIALS: Written Notice forms for Evaluation, Reevaluation, Termination.

METHODS: The IEP Case Manager is responsible for collecting information and drafting the Prior Written Notice to be sent to parents. The Prior Written Notice will be sent prior to proposing or refusing any action with regard to special education.

Procedural Safeguard Notice.

PERSON(S) RESPONSIBLE: Special Education Director or Coordinator, or Staff.

TIMELINE: Ongoing. (Same timelines as previously stated.)

MATERIALS: Parent Rights Pamphlet.

METHODS: A copy of the Parent Rights Pamphlet will be provided to parents before an evaluation or reevaluation, MDT and IEP meetings, placement decisions, and due process appeals.

Informed Parental Consent.

PERSON(S) RESPONSIBLE: Administrator, Special Education Director or Coordinator.

TIMELINE: Ongoing. (Same timelines as previously stated.)

MATERIALS: Parent Consent forms.

METHODS: The school district will provide parents with a notice explaining the action to be taken and a request for written parent consent for evaluations or placement of a child in special education. If the parent does not give consent,

the district may pursue mediation or file a due process hearing.

Appointment of Surrogates.

PERSON(S) RESPONSIBLE: Administrator, Director of Special Education or Coordinator, or Surrogate Parent(s).
(NOTE: Personnel from the Department of Health and Human Services may not serve as surrogate parent(s) under the Special Education Act.)

TIMELINE: Immediately upon identification of need to appoint a surrogate/surrogate parent appointments shall last one (1) year. The appointment may be renewed.

MATERIALS: Request to Director of Special Education or Coordinator of the need for a Surrogate or Surrogate Agreements and Training Materials (Rules 51 and 55/Policies and Procedures, or other materials as required.)

METHODS: If the district identifies students who may be in need of a surrogate parent, the district will:

- I. Attempt to identify and locate the parent;
- II. Investigate the legal status of those student(s); and
- III. If after a reasonable effort, the parents cannot be located, the school district shall insure that the rights of students with disabilities are protected by appointing a surrogate.
- IV. Surrogates will be provided sufficient training to assure they are knowledgeable as to the legal rights and educational needs of the student they are to represent. Training will be conducted as needed.
- V. Surrogates will be appointed by the director of special education following documentation that no conflict of interest exists and completion of appropriate training or assurance that the surrogate is knowledgeable in order to represent the Student.
- VI. Surrogates will be monitored on a regular basis to ensure effective performance. Should a surrogate be

unable or unwilling to discharge his or her duties, a new surrogate will be appointed by the director of special education/coordinator or administrator.

VII. The surrogate parent shall continue to represent the student until one of the following occurs:

- A. The student is determined to no longer be eligible for, or in need of, special education or related services except when termination from such programs is being contested.
- B. The parent, who was previously unknown, or whose whereabouts were previously unknown or a guardian or person acting as the student's parents becomes known.
- C. It is determined that the appointed surrogate parent no longer adequately represents the student.

Complaint Procedures.

PERSON(S) RESPONSIBLE: Director of Special Education or Coordinator, Administrator.

TIMELINE: The district will observe all timeline in 92 NAC 51-009.08

MATERIALS: Copy of letter of complaint, support documentation, district policies and procedures and letter of response to NDE

METHODS: The Director of Special Education or Coordinator or Administrator will serve as the liaison between the school district and the NDE representative throughout the complaint process. The same persons will approve site and file reviews. The same persons will be responsible for the implementation of any corrective action plan designed to bring the district into compliance.

Mediation.

PERSON(S) RESPONSIBLE: Special Education Director or Coordinator, Administrator, or Staff.

TIMELINE: Ongoing.

MATERIALS: Parent Rights Pamphlet, Mediation Brochure

METHODS: Either the parent or the school district may initiate mediation to resolve special education disputes by making contact with the Nebraska Office of Dispute Resolution. The Office of Dispute Resolution will arrange for all meetings related to the mediation process. Mediation is voluntary on the parts of the parent and the school district.

Special Education Due Process Hearing.

PERSON(S) RESPONSIBLE: Director of Special Education or Coordinator, Administrator, or School District Attorney.

TIMELINE: Follow timelines specified in 92 NAC 55.

MATERIALS: 92 NAC 55, all documentation regarding dispute and district's action.

METHODS: A due process appeal is initiated by the school district by filing a petition with the Nebraska Department of Education. The content of the petition and the procedures to be followed are specified in 92 NAC 55.

Legal Reference: §79-1110
 through Special Education Act.
 §79-1184