

WAC 392-172A-05015 Procedural safeguards notice. (1) School districts must provide a copy of the procedural safeguards that are available to the parents of a student eligible for special education services one time a school year, and:

- (a) Upon initial referral or parent request for evaluation;
- (b) Upon receipt of the first state complaint and receipt of the first due process complaint in a school year;
- (c) When a decision is made to remove a student for more than ten school days in a year, and that removal constitutes a change of placement; and
- (d) Upon request by a parent.

(2) A school district may place a current copy of the procedural safeguards notice on its internet website if a website exists.

(3) The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under this chapter that relate to:

- (a) Independent educational evaluations;
- (b) Prior written notice;
- (c) Parental consent;
- (d) Access to education records;
- (e) An opportunity to present and resolve complaints through the due process hearing request and state complaint procedures, including:
 - (i) The time period in which to file a state complaint and due process hearing request;
 - (ii) The opportunity for the school district to resolve the due process hearing request; and
 - (iii) The difference between the due process hearing request and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decision timelines, and relevant procedures;
- (f) The availability of mediation;
- (g) The student's placement during the pendency of any due process hearing;
- (h) Procedures for students who are subject to placement in an interim alternative educational setting;
- (i) Requirements for unilateral placement by parents of students in private schools at public expense;
- (j) Hearings on due process hearing requests, 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.

(4) (a) The procedural safeguards notice must be:

- (i) Written in language understandable to the general public; and
- (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(b) If the native language or other mode of communication of the parent is not a written language, the school district must take steps to ensure:

- (i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- (ii) That the parent understands the content of the notice; and
- (iii) That there is written evidence that the requirements in (b) of this subsection have been met.

[Statutory Authority: RCW 28A.155.090. WSR 21-19-065, § 392-172A-05015, filed 9/14/21, effective 10/15/21. Statutory Authority: RCW 28A.155.090(7) and 42 U.S.C. 1400 et. seq. WSR 07-14-078, § 392-172A-05015, filed 6/29/07, effective 7/30/07.]