

## **Individuals with Disabilities Education Act Annual Notice**

Under the Individuals with Disabilities Education Act (IDEA), school districts must give parents of a child with a disability a copy of its procedural safeguards only one time per year; but also upon initial referral or parental request for an evaluation, the filing of a first request for a due process hearing, a disciplinary action constituting a change in placement, and at the request of a parent. A school district may post a copy of the procedural safeguards on its website. The notice must fully explain the IDEA's procedural safeguards in an easily understandable manner, and in the native language of the parents unless it is clearly not feasible to do so. Parents may choose to receive the procedural safeguards notice and other notices under the IDEA by email, if the LEA makes this option available.

- Download the U.S. Department of Education's Model Form: Procedural Safeguards Notice at:

[http://idea.ed.gov/download/modelform\\_Procedural\\_Safeguards\\_June\\_2009.pdf](http://idea.ed.gov/download/modelform_Procedural_Safeguards_June_2009.pdf).

- NOTE: The procedural safeguards notice requirements in the IDEA also apply to parents of homeless children with disabilities. For more information, see Question B-2 in Questions and Answers on Special Education and Homelessness by the Office of Special Education and Rehabilitative Services and the Office of Elementary and Secondary Education at:

<http://www2.ed.gov/policy/speced/guid/spec-ed-homelessness-q-a.pdf>.

The U.S. Department of Education analyzed when and how parents must be notified before "records containing personally identifiable information are destroyed under Part B of IDEA." The question considered was whether "under 34 C.F.R. § 300.624, a school district must specifically notify parents at the time the district intends to destroy [a student's] records or whether such notice must be provided at the time the records are no longer needed." The Department's letter responds that under the IDEA, parents must be informed when the personally identifiable information is no longer needed to provide services.