



# Procedural Safeguards

Special education laws provide procedural safeguards, which are legal rights and protections given to the parent(s) and child. The VDOE has developed a Procedural Safeguards Notice that outlines these safeguards. School divisions are required to give parents a copy of the notice upon request and when certain other events occur. The following are some of the key rights covered in the Procedural Safeguards Notice.



## Prior Written Notice

For matters involving identification, evaluation, placement, or provision of a free appropriate public education (FAPE) to a child, the school division is required to give “prior written notice” or “PWN” to the parent(s) to explain in writing the school division’s proposal or refusal to take an action and the parent’s rights.

## Procedures for Resolving Disagreements and Addressing Concerns

Parents and school administrators are encouraged to work together to reach an understanding of mutual concerns and come to an agreement. However, the VDOE offers several options to address special education concerns or disputes, which include the Parent Ombudsman for Special Education, IEP Facilitation, Mediation, State Complaints, and Due Process Hearings.

## Parental Participation

A parent is a valuable member of the team and must be given the opportunity to participate in meetings concerning special education identification, evaluation, educational placement, and FAPE (such as eligibility determinations and IEP meetings). The school must provide notice of these meetings, which should be scheduled at a mutually convenient time and location.

## Parental Consent

School divisions cannot provide special education or related services without parental consent. Giving permission, or written consent, is voluntary on the parent’s part and may be withdrawn. Parental consent is needed before conducting evaluations, providing special education and related services for the first time, and making any change to the child’s IEP or placement.

**A parent has the right to revoke consent for all special education and related services, at which time the student would no longer receive special education and related services of any kind, including accommodations and modifications.**

## Confidentiality of Student Records

State and federal laws govern access and amendments to the child’s records, and use of personal information. The school must make records available for review before any IEP meetings or hearings related to discipline or due process. The school must also permit the parent to inspect their child’s educational record without unnecessary delay, but not more than 45 calendar days after the request is made.

Find more details in the [Virginia Procedural Safeguards](#) document on the VDOE website.