

### **Section 3. ARC Meeting Notice to Parents.**

(1) The appropriate GCSD Representative shall provide written notice, which may be by email if the parent and the GCSD agree (parent agreement shall be documented by the appropriate GCSD representative, or designee) to the parents of a child with a disability.

(2) Except for meetings concerning a disciplinary change in placement or a safety issue, the GCSD representative shall provide written notice to the parents of a child with a disability at least seven (7) days before an ARC meeting in which the GCSD:

(a) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child;  
or

(b) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

(3) The appropriate GCSD representative shall provide written notice to the parents of a child with a disability at least twenty-four (24) hours before an ARC meeting concerning a safety issue or a change in placement due to a violation of a code of student conduct.

### **Section 4 Prior Written Notice to Parents**

(1) The GCSD shall provide written notice to the parents of a child with a

disability within a reasonable time before the LEA implements.:

(a) A proposal to initiate or change the identification, evaluation, or educational placement of

the child or the provision of FAPE to the child; or

(b) A refusal to initiate or change the identification, evaluation, or educational

placement of the child or the provision of FAPE to the child.

(2) Notice to Parents after ARC Meeting

The GCSD Representative shall give notice of proposed or refused action to the parents at the end of each ARC meeting if a parent attends, or by mailing the notice (which may consist of the meeting summary) to parents who did not attend the meeting within 5 days after the meeting. The proposed action may be implemented immediately if parents received notice in the meeting and within 5 days after the meeting if no parent attended the meeting, and if no due process hearing has been requested challenging the proposed or refused action.

(3) This Prior Written Notice shall include:

(a) A description of the action proposed or refused by the GCSD;

(b) An explanation of why the GCSD proposes or refused to take the action;

(c) A description of any other options that the GCSD considered and the reasons why those options were rejected;

(d) A description of each evaluation procedure, test, assessment, record, or report the GCSD used as a basis for the proposed or

refused action;

(e) A description of any other factors that are relevant to the GCSD's proposal or refusal;

(f) A statement that the parents of a child with a disability have protection under procedural safeguards in 707 KAR Chapter 1 and 34 CFR Section 300.504 and IDEA, including the time period in which to file a complaint or due process hearing, the opportunity for the GCSD to resolve the complaint or hearing issue(s), the time period in which to file civil actions, and if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained; and

(g) Sources for the parents to contact to obtain assistance in understanding the provisions of this section.

~~(5) The GCSD Representative shall give notice of proposed or refused action to the parents at the end of the meeting if a parent attends, or by mailing the notice (which may consist of the meeting summary) to parents who did not attend the meeting within 5 school days after the meeting. The proposed action may be implemented immediately if parents received notice in the meeting and within 5 school days after the meeting if no parent attended the meeting, and if no due process hearing has been requested challenging the proposed or refused action.~~

**(4)** The notice shall be written in language understandable to the general public and provided in the native language or other mode of communication of the parent unless it is clearly not feasible to do so. If the native language of the

parent is not a written language, the GCSD shall take steps to ensure:

(a) that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

(b) that the parent understands the content of the notice: and

(c) that there is written evidence that the requirements of (a) and (b) in this subsection have been met . The native language of the parent of a child is the definition

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of native language used

in 707 KAR1:280.

(5) The appropriate GCSD Representative, after consulting with the Special Education Administrator, obtains the necessary translation or interpretation, if feasible. The GCSD Representative keeps copies of all correspondence involved in securing the necessary interpretation or translation in his/her administrative files.

Section 4. Procedural Safeguards Notice. A copy of the Procedural Safeguards Notice including

parent's rights provided by the GCSD's Special Education Administrator must be given to the parents of a child with a disability one (1) time a school year. A copy also must be given to the parents—

(a) Upon initial referral or parent request for evaluation or reevaluation; ( b) Upon receipt of the first State written complaint under

§§ 300.151 through 300.153 in a school year;

(c) Upon receipt of the first filing of a due process hearing request under § 300.507 in a school year

(d) In accordance with the discipline procedures in 34 CFR § 300.530(h), i.e., in accordance with the notice requirements when a decision is made to remove a student which constitutes a change in placement because of a violation of the code of student conduct; and

(e) Upon request by a parent.