

Special Education: Parent Rights and Procedural Safeguards

The Top 10 rights of parents and adult students (18+)

#1: To Participate. Parents have the right to refer their child for special education services, to participate in the development of an Individualized Education Program (IEP) and to be informed of all program options and alternatives, both public and nonpublic (p. 8).

#2: To Receive Prior Written Notice. Parents have a right to receive written notice, in their native language, when the district initiates or declines a request to change a student's eligibility, assessment, or educational placement (p. 4).

#3: To Consent, or Refuse to Consent. Parents must provide *informed written consent* prior to receiving special education services or a change in services. Parents may refuse to consent to assessment or placement in special education (p. 4).

#4: To a Nondiscriminatory Assessment. Students must be assessed for special education through the use of methods that are not culturally biased or discriminatory (p. 6).

#5: To Receive Independent Educational Evaluations (IEE). If parents disagree with a district assessment, they have the right to ask for and obtain an IEE at public expense. They are entitled to one IEE each time the district conducts an assessment. Without unnecessary delay, the district must either fund the assessment or file a request for a due process hearing to defend the assessment (p. 7).

#6: To Access Educational Records. Parents have a right to inspect, review, and obtain copies of their child's educational records within five business days (p. 2).



#7: To "Stay Put" in the Current Educational Program if There is a Disagreement about Placement. If parents disagree with the district regarding a proposed change in placement, the law requires the student to "stay put" in the current program while the dispute is resolved. It is possible for the program to change due to changes in grade, feeder patterns, or school program location (p. 9).

#8: To File Complaints. Parents have three state-led avenues to resolve disagreements regarding a student's IEP. They may request a hearing regarding an IEP (a due process hearing), may request mediation (a voluntary mediation process to resolve disputes), or may file a complaint with the California Department of Education. CUSD also facilitates an alternative dispute resolution (ADR) process prior to this level of dispute (p. 11).

#9: To Be Informed of School Discipline and Alternative Placement. Students with disabilities may be suspended or expelled. There are specific state and federal rules governing the suspension and expulsion of students with IEPs. If a student with a disability is in an alternative placement (e.g., suspension) for more than 10 days services must be provided (p. 9).

#10: To Be Informed of Policies Regarding Children Who Attend Private Schools. School districts are required to identify, locate, and assess students with disabilities enrolled in private schools. Although students in private school are not entitled to receive services, some students may receive services from the District (p. 10).

For more information, parents may contact the Student Support Services Department or any of the government agencies listed on the Procedural Rights and Safeguards document.