



Parental Rights Summary

The school must provide you with a written explanation of your rights under both federal and state laws.

This is a **very brief summary** of your rights. For a full explanation of your rights, see the **Notice of Procedural Safeguards** given by your district. **The Notice of Procedural Safeguards** is referred to here as the **Parents' Rights handout**. You'll receive the **Parents' Rights handout** when your child is referred for evaluation, at each IEP meeting, and anytime you ask for it. If you file a due process or state complaint, or if a decision is made that changes your child's IEP, you will receive another handout. You can also ask for a verbal explanation.

In addition to your rights, the **Parents' Rights handout** lists other places to find assistance for parents, such as:

- Parent Information and Training Centers: <https://www.parentcenterhub.org/find-your-center/>
- State Protection and Advocacy Agencies for Persons with Disabilities: <https://acl.gov/programs/aging-and-disability-networks/state-protection-advocacy-systems>

This brief summary is provided to help you understand your rights. This summary **is not** a replacement for your district **Parents' Rights** handout. **Please refer to the Parents' Rights handout for the full list of parents' rights in detail.**

Definitions:

For each child with a disability who is eligible for special education, your school district must provide a free and appropriate public education in the least restrictive environment. These are terms you will want to understand:

Free and appropriate public education (FAPE).

Free means that special education services are provided at no cost to the parents. Charges you are asked to pay are the same that are charged to other parents, such as fees for extracurricular activities or lab fees.

Appropriate means that your child's program must provide the right kind of services based on your child's needs and enough services so your child can receive meaningful educational benefit.

Educational benefit is a broad term about services and supports provided that will allow your child to make progress in light of their unique circumstances. Your child should be included in general education when at all possible, with the same activities and locations other students participate in with supports that meet their unique needs.

Least restrictive environment (LRE). Your child will attend classes, participate in nonacademic and extracurricular activities and receive services with children who are not disabled as much as possible.



Parental Rights:

FAPE and LRE for your child are protected by rights you have as parents. These parental rights are referred to as procedural safeguards and they assure that you have an important role in planning and decision-making for your child. These safeguards include:

Participation rights:

You have the legal right to:

- participate in all meetings about your child's education, and to provide information about your child. You can ask for an IEP meeting at any time. These include meetings about your child's evaluation, educational placement, services, and accommodations, and the offer of FAPE.
- have all notices in understandable language and provided in your native language.
- Invite people to your school meetings who have knowledge of your child or the educational process, including outside therapists.

Notice rights:

- Notices to attend meetings will be sent ahead of time and offered at a time and place that works for you as well as the school.
- The district will inform in writing when your child's special education program will be changed. This includes when the school wants to add, change or deny services.
- "Prior Written Notice" is a written statement from the school to share their decisions and reasons.

Agreement (consent) rights:

- You have the right to give, refuse, or withdraw your consent (agreement):
 - to an evaluation or reevaluations, including those used to determine if your child is eligible for special education,
- for your child's first placement in special education (can be refused before placement is made)

- for your child’s placement or related services at any time, (provide in writing)
- for insurance providers (like Medicaid) at any time to pay for special education or related services in school.

Records and privacy (confidentiality) rights:

- You have the right to see and get explanations of your child’s school records at any time and before school meetings.
- You can ask for corrections.
- The school must protect your child’s privacy, including personal information, such as name, address, social security number and other personal details. Sharing records without permission can only be done under certain conditions, such as sending to another school where the student is transferring, or to respond to a health or safety emergency, or to an investigation, like an audit or a court order.

Independent educational evaluation (IEE) right:

You have the right to request an independent evaluation at no cost to you if you disagree with the evaluation done by the school/district. This is an evaluation by someone not working for the school. The school must consider the results of the IEE, but doesn’t have to accept the findings. This should be requested in writing.

Disagreement or Dispute resolution rights:

You have the right to disagree with the school about your child’s education. If you disagree, you can hold additional IEP meetings, ask for help of a trained facilitator, request mediation, or file a state complaint or due process. You can learn more about all of these dispute resolution options through your state department of education. School districts have access to trained IEP meeting facilitators to assist schools and families create a more effective plan. You have the right to talk to an advocate or an attorney when considering dispute resolution.

Stay put: A student has the right to “stay put” or keep the current IEP in place while you and the school work out your disagreement, but respond within 15 days of learning about a proposed change and put your request in writing. An exception to “stay put” happens when the child or others would not be safe at the current placement.

A request for mediation: A trained neutral third party, or mediator, will try to help you and the school resolve your disagreement when you ask for mediation. Your Department of Education can also provide a mediator for special education issues. Mediation conferences provide the opportunity for parents and the school district to resolve disagreements together with the assistance of a trained mediator. This is a confidential discussion. You can still request a due process hearing if mediation doesn’t work.

Due process hearing. You have the right to **request a due process hearing** for disagreements about your child's evaluation, placement or offer of FAPE. A parent may file for due process without an attorney. This is a complicated process where knowledge of the law is a benefit. Requests must be made within two years of the action that led to the dispute. If you request a hearing, you will be offered a resolution session or mediation by your child's school/district. A resolution session provides the opportunity for you and the school district to resolve the disagreement. In a Due Process Hearing, an administrative law judge hears both sides of the dispute, reviews evidence, and makes a decision, or ruling. Both the school and parents are required to share evaluations and recommendations they have received in a due process hearing. Due process hearing decisions can be appealed to state or federal courts.

State complaint. You have the right to **file a state complaint** if you believe that a special education law, rule or regulation was not followed. **Complaints must be made within one year of the alleged violation (state timelines may vary.)** Complaints are investigated by the state department of education and a written report is made.

CADRE – The Center for Appropriate Dispute Resolution in Special Education has parent guides and videos for parents to learn more about each dispute resolution option at <https://www.cadeworks.org/resources/cadre-materials/idea-dispute-resolution-parent-guides>

Rights during discipline:

Under most circumstances, children with disabilities are subject to the same disciplinary actions as all other students.

If a proposed disciplinary action changes placement, parents have the right to be informed of the change and to be involved in the evaluations and decision-making that follow. These actions include: meetings to determine if the behavior subject to discipline was a manifestation of the student's disability, discussing potential changes to the IEP and evaluations of the student’s behavior, and creating or revising a behavior plan. **See your district’s Parents Rights handout for detailed information.**

Reimbursement rights: Under certain circumstances, parents have the right to be reimbursed for expenses, such as private school expenses for FAPE purposes or attorney's fees. There are special requirements to meet. **See your district’s Parents Rights handout for detailed information.**

Transfer of rights: Parental rights transfer to a student with a disability at the age of majority unless the parent(s) or someone else takes the necessary legal steps to become the young adult's legal guardian. A student reaches the age of majority either on the student's 18th birthday, the date of marriage of a student under age 18 or when a student under age 18 is incarcerated in an adult or juvenile state or local correctional institution. Check your state Special Education office for specific information.