

What Are Your Special Education Rights?



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At every IEP meeting I hold, I ask parents if they wish a copy of their Parent Rights and Procedural Safeguards. Mind you this is in addition to the electronic copy I send when the meeting is scheduled.

Why you ask? The answer is special education Parent Rights and Procedural Safeguards are essential components of the Individuals with Disabilities Education Act (IDEA), a federal law in the United States that ensures that children with disabilities have access to a free appropriate public education (FAPE). These rights and safeguards are designed to protect the interests of parents and their children with disabilities during the special education process. Have you read yours? If not ask your school for a copy or go to your state's Department of Education website to search for your Parent Rights. It should pop up.

The Key Details

Parental Consent

Special education starts with parental consent. If your child is suspected of having a disability that interferes with their learning, parents must provide written consent (in their primary language) before any evaluation can take place. This consent is the foundation of a partnership between educators and parents to identify and address the unique needs of the child. This ensures that parents are actively involved in the decision-making process for their child's education.

Evaluation and Eligibility

Once consent is given, the school district conducts a comprehensive evaluation to determine your child's eligibility for special education services. As educators, we rely on various assessments, observations, and input from parents to build a complete picture of the child's strengths and challenges. Collaborating with you during this process helps the team gain valuable insights into your child's experiences outside the classroom and an understanding of what your concerns are.

You have the right to request an evaluation if you suspect your child has a disability that affects their educational performance. The school district must conduct a comprehensive assessment to determine the child's eligibility for special education services. (more on this is coming in a blog post)

Individualized Education Program

Once your child has been found eligible for special education, an Individualized Education Program (IEP) is developed. The IEP is a legally binding document that outlines the child's unique needs, educational goals, and the services and accommodations the school will provide to help the child succeed. This IEP can be taken anywhere (e.g. a different state or district) and it will be honored.

This personalized document outlines your child's unique learning goals, the support and services the school needs to provide, and the methods to measure their progress. You play a key role in IEP meetings, where their input and aspirations for your child are vital in shaping the plan. As educators, we value these collaborative discussions to create meaningful learning experiences that cater to each child's specific needs. If you have any questions or concerns, ask IEP meeting participants.

Participation in IEP Meetings

You are the primary advocate for their child! Special education Parent Rights and Safeguards are there to ensure your input and concerns in the decision-making process are heard. The right to participate in IEP meetings, provide consent, and receive prior written notice ensure that parents' voices are heard and respected. Your participation must be meaningful and if you need an interpreter to participate in this process the school district must provide one. The interpreter

also needs to be from outside the school agency to prevent any missed communication.

Prior Written Notice

Schools must provide you with written notice before proposing or refusing any changes to your child's educational placement, services, or evaluations. This notice includes an explanation of why the school is proposing or refusing the action. In most cases you will receive it after having your IEP meeting or after information was provided.

Effective communication between educators and parents is essential in fostering a strong parent-teacher partnership. Schools must provide parents with prior written notice before proposing or denying any changes to the child's educational placement, services, or evaluations. Transparent communication ensures that parents are well-informed and active participants in their child's educational journey.

Confidentiality of Records

You have the right to access your child's educational records and the assurance that their child's information will be kept confidential. You are trusting educators with sensitive information about your child's educational needs. The school and the school district must honor this trust by ensuring the confidentiality of records. Respecting the privacy of families builds a foundation of trust, leading to more open communication and collaboration.

This means that the individuals who work with your child know what they need to know. Your child's IEP Snapshot will be shared with his classroom teacher and special education teachers. If your child has a Behavior Plan and rides the bus, then the bus driver would be given a copy of the Plan. This ensures that everyone who works with your child knows what they need to access an environment and be successful. It's the case manager and administration's responsibility to ensure confidentiality is maintained.

A note: An IEP Snapshot only contains IEP goals, services, accommodations and modifications, and testing needs. Other items that IEP teams also share include Behavior Plans, Communication, and Vision Plans. These are included in IDEA as this information is needed for teachers to do their part as members of your child's IEP team.

Independent Educational Evaluation (IEE)

If you disagree with the school's evaluation, you have the right to request an IEE at the school district's expense. An IEE is conducted by a qualified professional who is not employed by the school district. Your request must be approved by the school district and your request must be in writing.

Mediation and Due Process

Though school teams aim for harmony, disputes arise. If there is a dispute between you and the school district,

the option is to use mediation or pursue a due process hearing. Mediation is a voluntary process that allows both parties to resolve disputes with the help of a neutral mediator. Due process involves a formal legal hearing to resolve disputes related to the child's education. Your state's Department of Education website can provide you with specific information about this process.

Some states offer facilitated meetings. Facilitation is an option for using an impartial third party to promote effective communication and assist the IEP team in developing an IEP based on the student's needs. State-sponsored facilitation is a voluntary process; both the parent and the district need to agree to facilitation. This may be harder to find on your state's Department of Education website, so you may need to call.

It's important for you to understand these Rights and Procedural Safeguards to advocate for your child. These Rights and Procedural Safeguards vary slightly from state to state, so it's essential to review the specific regulations in the state where the child attends school. You can contact their local school district or state Department of Education for more information about special education rights and procedural safeguards in their area.

You can also get a fresh copy from them if you can't find a copy.

