



# RIGHTS AND RESPONSIBILITIES OF PARENTS OF CHILDREN WITH DISABILITIES



## YOUR RIGHTS IN THE SPECIAL EDUCATION PROCESS

**The Notice of Procedural Safeguards**, given to you by the school district or Regional Center, as required under the Individuals with Disabilities Education Act 2004 (IDEA) provides parents, legal guardians, and surrogate parents of children with disabilities an overview of their educational rights. The term "school district" is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term "assessment" is used to mean evaluation.

**Your child's school district/Service Provider is:** \_\_\_\_\_ **Contact #:** \_\_\_\_\_

**The Individuals with Disabilities Education Act (IDEA) clearly defines the rights of children with disabilities and their parents/guardians.** The IDEA is a federal law that requires school districts to provide a free appropriate public education ("FAPE") to eligible children with disabilities. FAPE means special education and related services provided as described in an individualized education program ("IEP") and under public supervision to your child at no cost to you.

A basic provision of this law is the right of parents/guardians to participate in the educational decision-making process. More specifically you have the right to:

- Refer your child for special education services.
- Give consent before your child may be evaluated for the first time.
- Participate in Individualized Education Plan (IEP) meetings or in the case of a child under the age of 3 years old, an Individualized Family Service Plan (IFSP).
- Participate in the development of your child's IEP or IFSP.
- "A free, appropriate public education" (special education and related services) at no cost to you, for your child.
- Be invited to all meetings held in regard to identification, evaluation and educational placement of your child.
- Obtain an independent evaluation.
- Inspect and review all of your child's educational records.
- Request re-evaluation of your child.
- Be notified of any intent to change the identification, evaluation or placement of your child.
- Request a due process hearing to resolve differences with the school that could not be resolved informally.



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Parental responsibilities to ensure that a child's rights are being protected are less clearly defined than are parental rights. These responsibilities vary depending on the child's disabling condition and other factors. Some of the following suggestions may be helpful:

- Develop a partnership with the school or agency. You are now an important member of the team.
  - Share relevant information about your child's education and development. Your observations and suggestions can be a valuable resource to aid your child's progress.
  - Ask for activities that you can do at home to support your child.
- Learn as much as you can about your rights and the rights of your child. Ask the school to explain these rights as well as the regulations in effect in your district and state before agreeing to a special education program for your child.
- Ask for clarification on any program specified on the IEP or IFSP before agreeing or signing.
- Consider how your child might be included in the regular school activities program.
- Monitor your child's progress. If your child is not progressing, discuss it with the teacher and determine whether the program should be modified. As a parent, you can initiate a review of your child's educational program.
  - Request copies of progress reports from your child's special education teacher and/or therapists.
- When you have a concern about your child's assessment, placement or educational program it is important that you call or contact your child's teacher or administrators to talk about your child and any problems you see. It is best to try to solve the problems directly with the school or agency.
  - Staff in your school district or special education local plan area ("SELPA") can answer questions about your child's education, your rights and procedural safeguards.
  - When you have a concern, it is this informal conversation that often solves the problem and helps maintain open communication. Resources are listed at the end of the school district's document to help you better understand the procedural safeguards. All states also have advocacy agencies that can provide you with the guidance needed to help determine the best next steps.
  - If you need assistance with additional resources and support, Head Start Disabilities staff is also available.
- Keep records of all IEPs and IFSPs, evaluation summaries, and other pertinent information you might need when transferring to another town or state.
- Don't be afraid to ask for help!