

## Parent Rights in the IEP Process




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## What Will You Learn Today?

- What are Procedural Safeguards
- Required Written Notices
- Parent Consent
- Confidentiality & Records Access
- Other – IEEs, Dispute Resolution Options, Discipline Procedures, Unilateral Placement



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### Special Education in Plain Language



*User-Friendly Handbook on Special Education Laws, Policies and Practices in Wisconsin*


2009 • Third Edition • Including a 2019 Supplement

**pdf version:**  
Webinar handout  
Procedural Safeguards p. 12

**Online:**  
<https://www.wsems.us/special-education-in-plain-language/introduction/>

**Hard copy:**

- Your school district
- WI FACETS



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### What is the Right to Prior Written Notice?

- A required Written Notice
- When the school:
  - Proposes to initiate or change, or
  - Refuses a parent request to initiate or change
- A child's identification, evaluation, placement OR provision of FAPE
- Send reasonable amount of time before

**WRITTEN NOTICE**

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### What Must Prior Written Notice Include?

- Must include:
  - Description of **the action** proposed or refused by the school
  - Explanation of **why**
  - What was used as **basis for the decision**
  - **Other options** considered & why rejected
  - Procedural Safeguards note
  - Sources to contact for help
- Must be written in:
  - Language understandable to general public
  - Native Language

**IMPORTANT NOTICE**

[\$300.503(b)]

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### What WI Forms Document PWN?

- Evaluation Notices (IE-1 thru IE-3)
- Reevaluation Notices (RE-1 thru RE-5)
- Notice of Changes to an IEP without a Meeting (I-10)
- Notice of Graduation (P-3)
- Notice of Ending Services Due to Age (P-4)
- Notice of Cessation of Special Ed. In Response to Parental Revocation of Consent (p-6)
- **Notice of Response to an Activity Requested by Parent (M-1)**
- And more.....

**IMPORTANT NOTICE**

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### What is FERPA?

- **F**amily **E**ducational **R**ights & **P**rivacy **A**ct:
  - Protects the privacy of student education records
- **E**ducation Records
  - contain info. directly related to a student
  - are maintained by an educational agency
  - **NOT**: personal notes, employee records, law enforcement records, treatment records
- **D**irectory Information
  - info. not considered harmful or invasion of privacy
  - Name, address, phone, email, date & place of birth, picture, grade, attendance, degrees, sports, awards
  - **NOT**: Social Security #, student ID#

[www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html)



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### What is the Right to Access?

- Parents(or eligible student) may inspect, review, & ask to amend education records
- Without unnecessary delay May ask school to:
  - explain & interpret records
  - provide copies (\$\$?)
- Parent's rep. may access
- School presumes parent has authority



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### What Else about Education Records?

- Record of access
- Records on more than 1 child
- Types & locations of records
- School may charge for copies
- Parent can request school to amend record
  - School must respond in "reasonable time"
  - If school refuses, must inform parents of right to appeal (FERPA)
- Parent can add to record why disagree (must stay with record)
- Destruction of Information




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### Some Other Rights

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### What is the Right to an IEE?

- If parents disagree with school's evaluation, they have the right to obtain an IEE (at public or private expense)
- IEE = evaluation conducted by a qualified examiner not employed by school district
- If public expense:
  - Parent can request **1** IEE for each eval. school conducted (School can say no)
  - Hearing officer can request an IEE
- If IEE meets school criteria, the results must be **considered**




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### What are the Dispute Resolution Options?

- Early dispute resolution options
  1. Informal meeting
  2. IEP Facilitation
  3. Mediation
  4. Resolution Process Facilitation
- WSEMS:
  - Roster of trained neutrals
  - Free
  - Voluntary
  - [www.wsems.us](http://www.wsems.us)
  - 888-298-3857




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### What are Dispute Resolution Options?

- WI DPI:
  5. IDEA State Complaint (PI-2117)
  6. Due Process Hearing Request (PI-2115)
- 7. Appeal (Litigation/Civil Case)
- Resources:
  - WI DPI: [dpi.wi.gov/sped/dispute-resolution](http://dpi.wi.gov/sped/dispute-resolution); 608-266-1781
  - CADRE – [www.cadreworks.org](http://www.cadreworks.org)




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### What are Rights Related to Discipline?

#### Procedures regarding violations of Code of Student Conduct

- Authority of School Personnel
  - Disciplinary Removals (Suspensions & Expulsion)
  - Services during Removals
  - Manifestation Determination
- Change of Placement-Disciplinary Removals
- Interim Alternative Educational Setting
- Appeals
- Children Not Yet Eligible for Spec. Ed. Services
- Law Enforcement & Judicial Authorities




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### What About Unilateral Placement in Private Schools?

- Parents may decide unilaterally to move child to private school they think will provide more educational benefit
- Unilaterally – decision by 1 person, without agreement of others
- Private school costs may be reimbursed if find FAPE not available
- Limit on reimbursement
  - Must inform IEP Team they reject the Placement proposed & why
  - OR Must provide Written Notice 10 days before removal
  - Child not made available for testing
- **NO** Limit on reimbursement:
  - Parents prevented from providing written notice
  - Parents didn't know they had to provide written notice
  - Compliance with requirements might likely result in harm to child
  - Parents illiterate/can't write English
- DPI Bulletin 06.03



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### Where Can I Get More Info?

- **Special Education in Plain Language:** <https://www.wsems.us/special-education-in-plain-language/>
- **WI DPI Sample Forms:** <https://dpi.wi.gov/sped/model-special-education-policies-and-procedures-and-special-education-forms> (PI-2115 Due Process Hearing Request; PI-2117 IDEA State Complaint)
- **WI DPI Bulletins (06.03 Parentally-Placed Private Schools):** <https://dpi.wi.gov/sped/laws-procedures-bulletins/bulletins>
- **WI DPI Procedural Safeguards:** <https://dpi.wi.gov/sped/families/rights>
- **WI DPI Student Records & Confidentiality:** [https://dpi.wi.gov/sites/default/files/mce/sspw/pdf/srconfid\\_11-16-18.pdf](https://dpi.wi.gov/sites/default/files/mce/sspw/pdf/srconfid_11-16-18.pdf)
- **FERPA (see Q&A):** <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- **Student Privacy 101 – FERPA:** (Video-4 min) <https://studentprivacy.ed.gov/training/student-privacy-101>
- **Parent Rights Under IDEA:** <https://www.parentcenterhub.org/parental-rights/>
- **10 Key Procedural Safeguards in IDEA:** <https://tinyurl.com/wnwvfb6>
- **Procedural Safeguards & Parent Rights:** <https://www.wrightslaw.com/info/safgd.index.htm>



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## Where Can I Get More Info?

- **IDEA 300.504: Procedural Safeguards Notice:**  
<https://sites.ed.gov/idea/regs/b/e/300.504>
- **Written Prior Notice Defined** (Video—5 min)  
<https://www.youtube.com/watch?v=0e1ty8vRWFY>
- **Reevaluations & Independent Evaluations** (30 min):  
<https://attendee.gotowebinar.com/recording/4238993763057682443>
- **WI Special Education Mediation System:** [www.wsems.us](http://www.wsems.us)
- **Center for Appropriate Dispute Resolution in Special Education:**  
[www.cadreworks.org/](http://www.cadreworks.org/)
- **WI DPI Dispute Resolution Options:** <https://dpi.wi.gov/sped/dispute-resolution>
- **Special Education Discipline Requirements** (webinar): **call WI FACETS for link**
- **Children with Disabilities Enrolled by Their Parents in Private Schools,**  
<https://www.parentcenterhub.org/partb-module16/>



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## Are There More IEP Mini Modules?

1. Starting the IEP Process: Special Education Basics
2. Special Education Referral Process
3. Evaluation & Eligibility in the IEP Process
4. Reevaluation & Independent Educational Evaluations
5. Writing the IEP (Part 1)
6. Writing the IEP (Part 2)
7. Writing the IEP (Part 3)
8. IEP Revisions & Extended School Year
9. Parent Rights in the IEP Process
10. **Useful Resources in the IEP Process**
11. IEP Checklist

Register – [www.wifacets.org](http://www.wifacets.org)



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## That's It for Today!

- Please complete your evaluation.
- Questions? WI FACETS 877-374-0511

# THANK YOU!



Content addressed in this module is based on federal and state law and regulations. The information is not intended to be a replacement for careful study of IDEA and Chapter 115.  
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