Parent Rights in the IEP Process

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

AGENDA

Special Education in Plain Language

pdf version:
Webinar handout
Procedural Safeguards p. 12

Online:

Hard copy:
• Your school district
• WI FACETS
When Are Procedural Safeguards Notices Required?

4. 1 time each school year
5. Anytime a parent requests

What are Some Procedural Safeguards?

- Written Notices - Procedural Safeguards and Prior Written Notice
- Native Language
- Parental Consent
- Independent Educational Evaluations
- Confidentiality
- Dispute Resolution Options
- Procedures when Disciplining
- Unilateral Placement in Private Schools

Right to Prior Written Notice
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

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

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.....
What is the Right to Parental Consent?

- Parents’ right to give or deny consent before school can take certain actions for their child
- Right to be fully informed in native language:
  - Proposed action is described
  - List of records to be released & to whom
- Consent:
  - Understand & agree in writing to the action
  - Understand is voluntary
  - Understand can withdraw consent anytime

What Does Consent Look Like?
What is FERPA?

Family Educational Rights & Privacy Act:
- Protects the privacy of student education records

Education Records
- contain info. directly related to a student
- are maintained by an educational agency
  - NOT: personal notes, employee records, law enforcement records, treatment records

Directory 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

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
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

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
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
  888-298-3857

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; 608-266-1781
• CADRE – www.cadreworks.org

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
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 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

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


FERPA (see Q&A): https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html


Parent Rights Under IDEA: https://www.parentcenterhub.org/parental-rights/

10 Key Procedural Safeguards in IDEA: https://tinyurl.com/ynwvf66

Where Can I Get More Info?

- **IDEA 300.504: Procedural Safeguards Notice:** [https://sites.ed.gov/idea/regs/b/e/300.504](https://sites.ed.gov/idea/regs/b/e/300.504)
- **Written Prior Notice Defined (Video - 5 min):** [https://www.youtube.com/watch?v=0e1ty8vRWfY](https://www.youtube.com/watch?v=0e1ty8vRWfY)
- **Reevaluations & Independent Evaluations (30 min):** [https://attendee.gotowebinar.com/recording/4238993764057682443](https://attendee.gotowebinar.com/recording/4238993764057682443)
- **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](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/](https://www.parentcenterhub.org/partb-module16/)

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)

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. © WI FACETS