Parent Rights in the IEP Process

Topics for Today
- Procedural Safeguards
- Required Written Notices
- Parent Consent
- Confidentiality & Records Access
- IEEs, Dispute Resolution Options, Discipline Procedures, Unilateral Placement

Right to Procedural Safeguards
Procedural Safeguards

Protections for people under state/fed law

IDEA/WI law
• Protect rights for parents & students
• Resolve disputes

Procedural Safeguards Notices

1. Initial Referral or Parent Request for Evaluation
2. 1st State Complaint or Due Process Complaint/school year
3. Disciplinary action that includes change of placement
4. One time each school year
5. Anytime a parent requests

Can ask for Notice to be emailed
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

Prior Written Notice

PWN required when the school:
1. Proposes to initiate or change, OR
2. Refuses a parent request to initiate or change
A child’s identification, evaluation, placement, OR provision of FAPE

Must send PWN reasonable amount of time before
What Must Prior Written Notice Include?

- **Action** proposed or refused
- **Why**
- **Basis for the decision**
- **Other options** considered & why rejected
- **Procedural Safeguards** statement
- **Who to contact**
- **Written in language understandable to general public & parents’ native language**

§300.503(b)

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.....
Parental Consent

Parents’ right to give or deny consent before school can take certain actions for their child.

- Fully informed
- Fully understand
- Agree in writing
- Voluntary
- Can withdraw anytime

Example - Parental Consent

Form IE-3: Initial Eval.-Notice & Consent Regarding Need to Conduct Additional Assessments

"The school district needs your written consent before it can administer the following assessments to your child:"

Right to Confidentiality of Information
FERPA

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

Education Records
- Information directly related to a student
- Kept by educational agency
  - NOT: personal notes, employee records, law enforcement records, treatment records

Directory Information
- Information 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#

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

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
Parent can add to record why disagree (must stay with record)

Destruction of Information
Resources

Independent Educational Evaluations

- 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

Dispute Resolution Options

1. Informal meeting
2. *IEP Facilitation
3. *Mediation
4. *Resolution Process
5. IDEA State Complaint (PI-2117)
6. Due Process Hearing Request (“Stay Put” rule)
7. Appeal (Litigation/Civil Case)
Dispute Resolution Options

- Established 1996.
- www.wsems / 888-298-3857
- 20+ neutrals (mediators/facilitators)
- Free
- Voluntary
- Confidential

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

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: DPI Bulletin 06.03
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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Questions? WI FACETS 877-374-0511
Training calendar: www.wifacets.org
Please complete your evaluation

THANK YOU!