

Parent Rights in the IEP Process



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Topics for Today

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



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Right to
Procedural
Safeguards

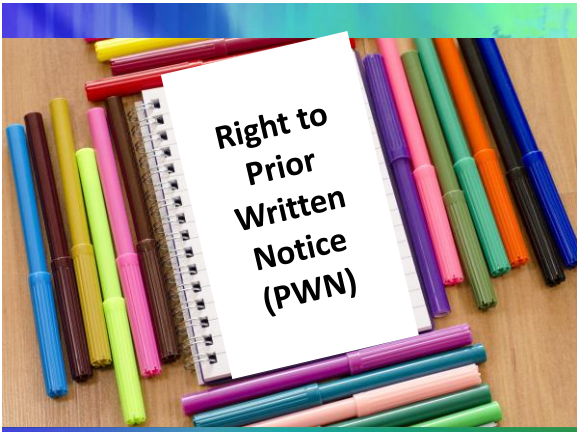
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Some Procedural Safeguards

- 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



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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



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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)



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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.....



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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



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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:"

The school district needs your written consent prior to administering assessments or other evaluation materials to your child. With your consent the following assessments or other evaluation materials will be administered:

Areas to be evaluated	Description of assessments and other evaluation materials and dates, if known	Name of evaluator, if known

Other evaluation options considered, if any, and reasons rejected are: _____

PARENT CONSENT PERMISSION TO ADMINISTER ASSESSMENTS AND OTHER EVALUATION MATERIALS AS PART OF AN INITIAL EVALUATION

I understand the action proposed by the school district and
 (please check appropriate box below, sign and date, and return one copy to the school district)

I give my consent for the school district to administer these assessments or other evaluation materials described in this notice to my child as part of an initial evaluation. I understand my consent is voluntary and may be revoked at any time before the administration of assessments or other evaluation materials.

I do not give my consent for the school district to administer these assessments or other evaluation materials described in this notice to my child as part of an initial evaluation. I understand that if I do not consent for the school district to administer these assessments or other evaluation materials, the school district may request mediation or initiate a due process hearing regarding whether these assessments or other evaluation materials should be administered.

Signature of parent or legal guardian or adult student _____ Date _____

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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#



FERPA

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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



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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
- Parent can add to record why disagree (must stay with record)
- Destruction of Information



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Independent Educational Evaluations

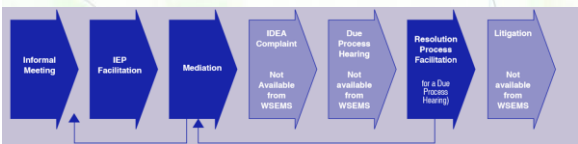
- If parents disagree with school's evaluation, they have the right to obtain an IEE (at public or private expense)
- IEE = evaluation conducted by a qualified examiner not employed by school district
- If public expense:
 - Parent can request 1 IEE for each eval. school conducted (School can say no)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



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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)



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Dispute Resolution Options

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

**Wisconsin
Special Education
Mediation System**

IEP Facilitation ▣
Mediation ▣
Resolution Process ▣



Wisconsin
Special Education
Mediation System

Parents and Schools Working Together




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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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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



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That's It for Today!

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

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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