

Parents' Rights Summary

- Parents of children with disabilities from ages three through twenty-one have specific educational rights under the Individuals with Disabilities Education Act (IDEA). These rights are called procedural safeguards.
- When the parent has a concern, it is important that they contact their child's teachers or administrators to talk about their child and any problems they see. This conversation often solves the problem and helps maintain open communication.
- Parents must be given opportunities to participate in any decision-making meeting regarding their child's special education program. Parents have the right to participate in individualized education program (IEP) meetings about the special education eligibility, assessment, educational placement of their child and other matters relating to their child's free appropriate public education (FAPE).

Parents and students over age eighteen have the right:

- **To Participate** Parents have the right to refer their child for special education services, to participate in the development of the IEP and to be informed of all program options and alternatives, both public and nonpublic.
- **To Receive Prior Written Notice** Parents have a right to receive prior written notice, in their native language, when the school district initiates or refuses their request to initiate a change in their child's identification, assessment, or educational placement in special education.
- **To Consent** Parents must provide informed, written consent before their child is assessed or provided with any special education services. Parental consent must also be provided before any change in special education services may occur.
- **To Refuse to Consent** Parents may refuse to consent to an assessment or the placement of their child in special education.
- **To Be Given a Nondiscriminatory Assessment** Children must be assessed for special education through the use of methods that are not culturally biased or discriminatory.
- **To Receive Independent Educational Assessments** If parents disagree with the results of the assessment conducted by the school district, they have the right to ask for an independent educational evaluation (IEE) at public expense.
 - The parent is entitled to only one IEE at public expense each time the public agency conducts an evaluation with which the parent disagrees.
 - When a parent requests an IEE at public expense, the school district must either ensure that an IEE is provided at public expense, or request a due process hearing if the district believes their assessment was appropriate and disagrees that an IEE is necessary. The school district also has the right to establish the standards or criteria (including cost and location) for IEEs at public expense.

- **To Access Educational Records** Parents have a right to inspect, review, and obtain copies of their child’s educational records.
- **To Stay in the Current Program If There is a Disagreement About Placement** If parents disagree with the district regarding their child’s special education placement or a proposed change in placement, the law requires the student to “stay put” in the current program until the dispute is resolved.
- **To Be Given a Hearing Regarding Disagreements About an IEP** Parents have the right to present a complaint relating to the provision of a FAPE for their child; to have an attorney, an advocate, and the student, if appropriate, present at the due process hearing; and to make the hearing public. To request a due process hearing or to receive a complete notice of procedural safeguards related to a due process hearing, contact the Office of Administrative Hearings (see contact information below).
- **To Receive Mediation** Parents are encouraged to consider settling disagreements regarding their child’s special education program through voluntary mediation, a process through which parties seek mutually agreeable solutions to disputes with the help of an impartial mediator.
- **To File a Complaint Against Your School District** If parents believe their child’s school district has violated the law, they may file a complaint with the California Department of Education.
- **To Be Informed of School Discipline and Alternative Placement** There are specific rules regarding the suspension and expulsion of students with IEPs. Generally, a student with a disability may be suspended or placed in an alternative educational setting to the same extent that these options apply to students without disabilities.
- **To Be Informed of Policies Regarding Children Who Attend Private Schools** School districts are responsible for identifying, locating and assessing students with disabilities enrolled in private schools by their parents. However, school districts are not required to provide special education or related services to these students. There is no entitlement for services.
- **Additional Resources** This notice is an abbreviated summary of procedural safeguards. To obtain more information about parental rights or dispute resolution, including how to file a complaint, contact the California Department of Education, Special Education Division, Procedural Safeguards Referral Service, by telephoning 800-926-0648 or writing to:

California Department of Education
 Special Education Division
 Procedural Safeguards Referral Service
 1430 N Street, Suite 2401
 Sacramento, CA 95814
 Telephone: 800-926-0648
 Fax: 916-327-3704

To file for mediation or due process:
 Office of Administrative Hearings
 Special Education Division
 2349 Gateway Oaks, Suite 200
 Sacramento, CA 95833-4231
 Telephone: 916-263-0880
 Fax: 916-263-0890