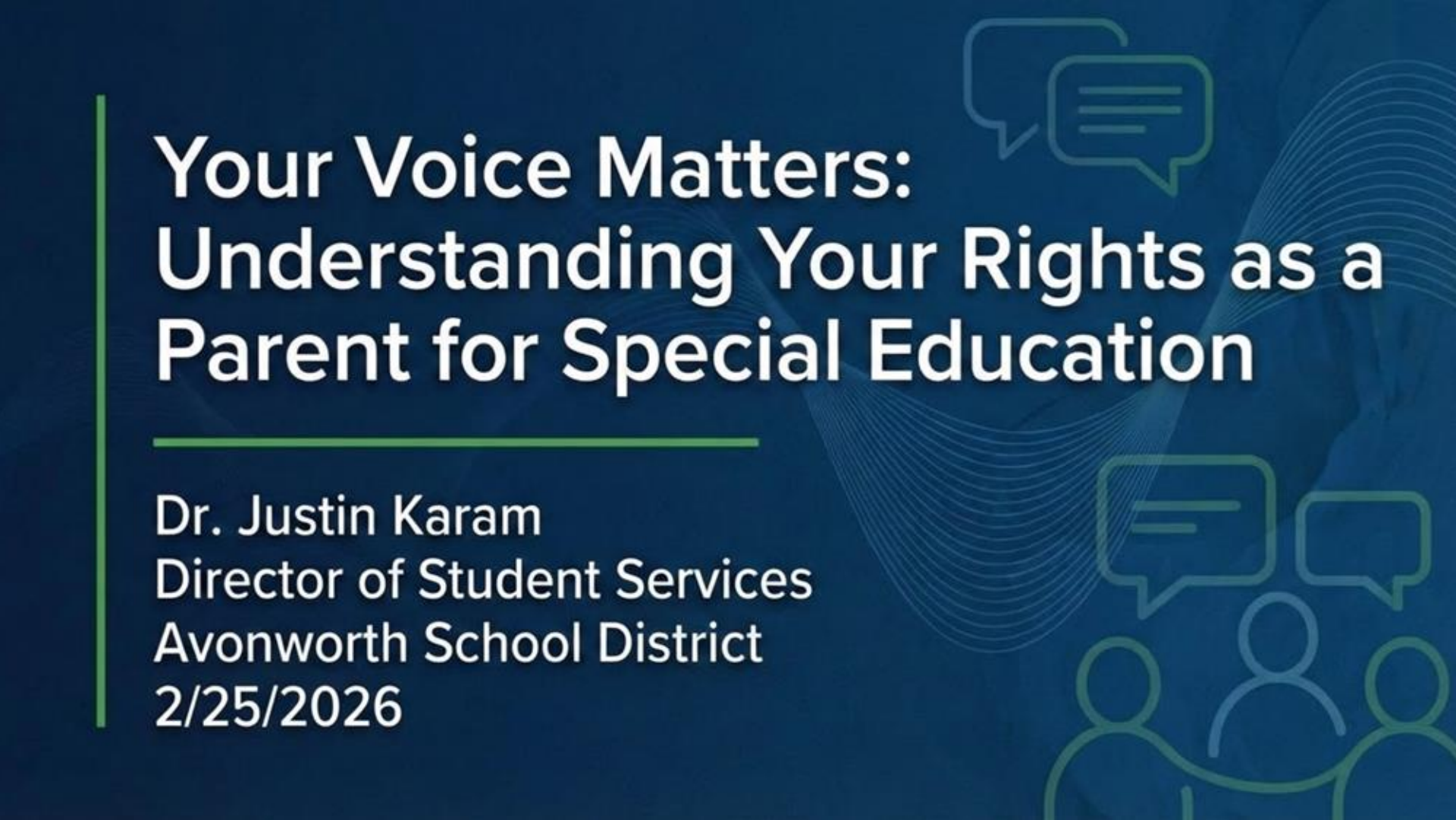




Your Voice Matters: Understanding Your Rights as a Parent for Special Education

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Overview

- Brief history of IDEA
- Special Education Law Foundations
- Who is considered a “parent”
- Prior Written Notice
- Parental Consent
- Disagreements w/ Evals
- Dispute Resolution
- Resources



Some definitions

Legal Term	What it means
Procedural Safeguards	Document that explains your rights as a parent. Required to be offered to you each year.
Prior Written Notice	The “no surprises” letter the school must send before changes to placement
Native Language	The language you speak at home; the school must provide notices in it.
Pendency (“Stay Put”)	Your right to keep your child’s current services the same during a legal dispute
Revocation	Parent’s decision to stop special education services
LEA	Local Educational Agency (Your school district or charter school)

The “alphabet soup” of special education

Acronym	What it means
IDEA	Individuals with Disabilities Education Act
FAPE	Free and Appropriate Public Education
LRE	Least Restrictive Environment
IEP	Individual Education Program
ER or RR	Evaluation Report or Re-evaluation Report
FBA	Functional Behavior Assessment
NOREP	Notice of Recommended Educational Placement

IDEA



1970: EHA (Optional Block Grants)

Prior attempts were made with offering optional block grants.



Early 1970s: Court Cases

PARC v. PA & Mills v. Board of Ed. played large roles in forcing congressional action.



1975: Education of All Handicapped Children Act

Initially known as this. Provided right to education & accountability process.



1990: Reauthorized as IDEA

Reauthorized with its current name.

Foundations

- **IDEA:** Ensures students with disabilities have access to an education
 - Provides states and schools with process to determine needs
 - Provides parents with rights to ensure process is followed
 - Eligible students receive an IEP to help ensure their education is appropriately meeting their needs
 - **Eligibility Criteria:** Evaluation Report completed and determines that the student has a disability AND the need for specially designed instruction due to that disability.
 - IEPs are built by the IEP team
 - Required members: Parent, Special Education Teacher, Regular Education Teacher, LEA (Administrator), and Student (if they will be 14+ during that IEP)
- **FAPE (Free Appropriate Public Education):**
 - **Free:** At no cost to the parent.
 - **Appropriate:** A program designed specifically for your child
- **LRE (Least Restrictive Environment):**
 - Providing the least amount of modifications from a typical day as possible
 - Having the student in general education when possible

Who is a “Parent”?



Biological or adoptive parents



Foster parents or guardians

Sometimes students may have a *Guardian ad Litem* appointed by courts



Someone acting in the place of a parent (e.g., a grandparent with whom the child lives)



Surrogate parents (appointed if no parent can be found)

Prior Written Notice

- Think of it as "No Surprises"
 - Required to provide notice with *reasonable* notice
 - 10 days
- We must notify you if:
 - There are suggested changes that impact placement
 - Including level and/or type of support
 - Change in disability category
 - Change in eligibility
 - New testing is being completed



Consent from the Parent



INITIAL CONSENT

The school cannot test or start services for the first time without your written permission.

- Consenting to the evaluation is **not the same** as providing consent for services.



REVOKING CONSENT

You can change your mind and stop all special education services at any time by writing a letter.

- The district will then issue a Revocation NOREP for you to formally withdraw services.



REEVALUATIONS

Generally, we need your consent for new testing to be completed.

- Unless the school tried multiple times to reach you and you didn't respond, then the school can opt to move through Due Process.

Disagreement with an Evaluation



If you disagree with the school's testing, you can ask for an **Independent Educational Evaluation (IEE)**.



This is not the same as disagreeing with the IEP or recommendations from the team regarding placement



IEEs are the schools responsibility to cover (at "public expense")



Must be similar testing



Evaluator must be credentialed PA School Psychologist



School must be provided with unredacted copy of the report; the LEA is required to consider data from the report



If the LEA refuses to pay for it, required to move to a Due Process hearing to prove evaluation was appropriate



Problem Solving: Mediation & Complaints

- **Mediation:** A free, voluntary talk with a neutral person to find a middle ground.
 - Mediator is provided by the state
 - Helps work through the process to find resolution
- **State Complaint:** A letter to the Bureau of Special Education (BSE) if you think the school broke a law
 - Must be filed within 1 year of the issue
 - State has an advisor that reviews complaint and investigates



Formal Path: Due Process and Stay Put

- **Due Process:** A formal hearing with a judge (Hearing Officer)
 - Decision is made by judge (Hearing Officer) that is required to be followed
- **Pendency (Stay Put):** While you are in a dispute, your child stays in their current placement until it's resolved.
 - No changes to previously agreed upon plan
 - Reasonable exceptions; student can advance grades and proceed with their schedule



Resources



ConsultLine: 800-879-2301

(A free helpline to explain your rights).



ODR (Office for Dispute Resolution):

Manages mediation and hearings.



HUNE / Mission Empower / The Arc:

Local support groups.



Resources are also provided on the last page of the NOREP.



General Questions?

