COLORADO
Department of Education

Colorado IEP Parent Training

Module 7: Parent and Student Rights

May 15, 2026

Module 7 overview

- Protection of parent and student rights
- Procedural safeguards notice
- Right to be informed
- Right to challenge decisions about the child's special education program
- Right to challenge decisions related to discipline
- Right to attend a full day of school (Colorado abbreviated school day law)

Review of acronyms

- **IDEA**: The Individuals with Disabilities Education Act
- **ECEA**: The Exceptional Children's Educational Act
- **CDE**: Colorado Department of Education
- **AU**: Administrative Unit, which includes school districts and Boards of Cooperative Education Services (BOCES), etc.
- **FAPE**: Free Appropriate Public Education
- **IEP**: Individualized Education Program
- **PSN**: Procedural Safeguards Notice
- **PWN:** Prior Written Notice

Protection of Parent and Student Rights

Parent and student rights

- Parents and students have specific rights under IDEA. Parent and student rights are protected by a group of IDEA requirements called the "Procedural Safeguards."
- These safeguards ensure that parents have:
  - the right to make informed decisions about their child's educational programming and services, and
  - the right to challenge certain decisions with which they do not agree.
- Colorado's Procedural Safeguards Notice (PSN) explains parent rights. A link to the PSN is on CDE's Individualized Education Program (IEP) page.

Definition of parent

- IDEA defines “Parents” to include:
  - (a) a **natural, adoptive, or foster** parent;
  - (b) a **guardian**
  - (c) an individual **acting** in the place of a natural or adoptive parent; or
  - (d) an individual assigned to be a **surrogate** parent.
- A court order will take priority over the definition in the statutes/rules.
- Community members can apply and be trained to serve as Educational Surrogate Parents (ESPs).

Notice of Procedural Safeguards

Procedural Safeguards Notice

- Colorado's Procedural Safeguards Notice (PSN) is divided into the following topic areas:
  - Rights to be informed about the child's educational needs and special education program.
  - Rights to challenge decisions made about the child's special education program through Dispute Resolution (more about this in **Module 9**)
  - Rights related to challenge decisions related to discipline (more about this in **Module 8**).

When a PSN must be given

- Parents must be given a copy of the PSN at least once a year, and at specific times, including:
- If a parent asks for their child to be evaluated or the AU wants to evaluate their child because the child may have a disability;
- If a parent files a state complaint with CDE, and it is their first complaint of the school year;
- If a parent files a due process complaint with CDE, and it is the first time in the school year the parent has requested a hearing;
- If a child has been removed from school for disciplinary reasons for 10 days or more during the current school year;
- Before any IEP meeting to discuss placing a child on an abbreviated school day schedule; or
- Any time a parent asks for a copy.

Right to Be Informed

Specific parent rights

- The AU must take specific actions at certain times to keep parents informed about their child's educational needs. These actions typically happen at the school level.
- Parent rights to be informed relate to:
  - Informed consent
  - Prior written notice (PWN)
  - Language access
  - Right to withdraw consent
  - Evaluation and eligibility (covered in **Modules 2 and 3**)
  - Independent educational evaluations
  - Education records

Parent permission (consent)

- AUs must get parent permission before they can:
  - evaluate a child for the first time for special education;
  - start giving a child special education services;
  - reevaluate a child to find out if the child's needs have changed;
  - conduct certain assessments (an example would be a Functional Behavior Assessment (FBA));
  - place a child on an abbreviated school day schedule that is not part of the IEP Team's offer of FAPE; and
  - give information about a child to someone other than those authorized by state or federal law.

Informed consent

- Parents must be fully informed before giving consent. 34 CFR § 300.9.
- This means that the AU must:
  - Give parents the information they need to make an informed decision;
  - Describe the activities it proposes to conduct and list records (if any) that will be shared with others;
  - Give parents this information in their native language or another form of communication that they understand;
  - Make sure the parent understands and agrees in writing to the proposed activities.

Informed consent, continued

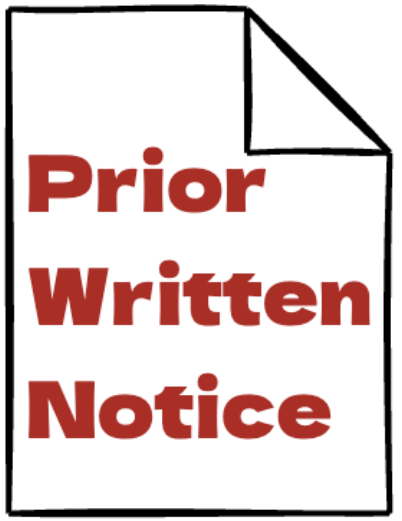
- The AU also must:
  - Make sure the parent understands that they are giving their consent by their own choice, and they can change their mind and withdraw (revoke) their consent at any time; and
  - Make sure they understand that if they withdraw their consent, the AU does not have to undo any action it took between the time the parent gave permission and the time the parent withdrew it.

Prior written notice

- The AU must give parents ”prior written notice” (PWN) in specific circumstances that are described on the next slide.
- The PWN must include specific information that will be described in the next slides.
- The PWN also creates a record of what information parents were given.
- Parents should read the PWN to make sure that it is complete and that they understand it.

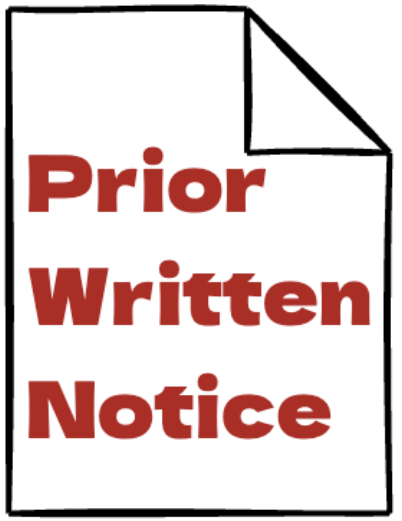
Prior written notice -1

- The AU must give "**prior written notice**" (PWN) to parents before it proposes or refuses to take certain actions.
- These actions include initiating or changing:
  - the identification, evaluation or educational placement of their child (services the child is receiving), or
  - how they are providing a free appropriate public education (FAPE) to their child.

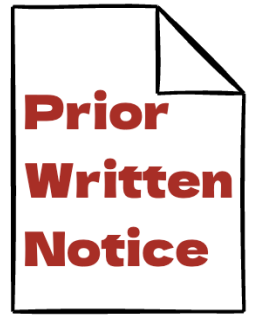


Prior written notice -2

- The PWN must be in clear language that is understandable to the general public.
- The PWN must be in the parent's native language or other mode of communication unless it is clearly not feasible to do so.
- The notice must give enough detail for parents to take part in decisions in an informed way.



Prior written notice-3



- Prior Written Notice must include:
  - A description of the action proposed or refused;
  - An explanation of why;
  - A description of the information the school used to make its decision;
  - A description of other options considered and why they were rejected;
  - Other factors relevant to the decision;
  - A statement that parents have protection under IDEA's procedural safeguards; and
  - Where parents can get assistance in understanding IDEA's requirements.
  - 34 C.F.R. § 300.503(b).

Language access

- The AU must ensure that parents are able to understand information about their child and can participate in the special education process.
- This means that the meetings parents attend, the child's special education evaluation, and all notices must be written or spoken in the parent's native language or other mode of communication.
- If a child has been identified as a multilingual learner, Colorado law requires that the AU offer to translate the final IEP or provide an oral recording of the IEP in the parent's dominant language. The school must also verbally inform parents of their right to request an oral or written translation of the IEP.

Withdrawing consent

- Parents have the right to withdraw their consent to an evaluation or to the delivery of special education services. Parents must notify the AU **in writing.**
- If a parent withdraws consent to an evaluation, the school or AU will:
  - Give parents a PWN that the evaluation will stop.
  - Stop any evaluation or assessments that have not yet been completed.
- If a parent withdraws consent to special education, the school or AU will:
  - Give parents a PWN that special education services will stop.
  - Stop providing the child the special education services in the IEP.
- The school / AU does not have to undo any action it took between the time the parent gave permission and the time they withdrew it.

Independent educational evaluation (IEE)

- An independent educational evaluation (IEE) is done by someone outside of the AU.
  - "Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question." 34 CFR § 300.502(a).
- Parents can obtain an IEE at their own expense.
- If the parents provide an IEE report, the IEP team must consider the IEE. The IEE will be considered as part of the school's evaluation.

IEE at public expense

- Parents can request an IEE **at public expense** if they disagree with the school's evaluation.
- A parent is entitled to only one independent educational evaluation at public expense for each evaluation. 34 CFR §300.502(b)(5).
- The AU can pay for the IEE or request a due process hearing to show that their evaluation is appropriate. If the evaluation is found to be appropriate, the AU does not have to pay for the IEE.
- More information about requesting an IEE can be found on pages 5-7 of Colorado's Procedural Safeguards Notice (PSN).

Educational records

- Parents have the right to review their child's education records.
- The Family Educational Rights and Privacy Act (FERPA) is a federal law that gives parents certain rights to inspect and review their child's education records. This applies to all students.
- Rights under FERPA transfer from the parent to the child when the child turns 18 or begins attending postsecondary school (e.g., a college or university), whichever occurs first.
- **In Colorado, parents keep educational rights under IDEA until the child is 21**.

What are educational records?

- FERPA defines education records as:
  - Records that are directly related to one specific student. Sometimes AUs call this personally identifiable information (PII); and
  - Records that are kept by an education agency or institution (for example, an AU) or by a party acting for that agency.
- IDEA provides that parents have the right to inspect and review any educational record of their child that the AU (or other participating agency) collects, maintains, or uses with respect to the identification, evaluation, and educational placement of their child, and the provision of FAPE to their child.

Confidentiality and access

- The AU must protect the privacy of a child's records.
- The AU must allow parents to inspect and review a child's education records.
- The AU must comply with a parent's request to review their child's records **without unnecessary delay** and **before any IEP team meeting or any due process hearing or resolution meeting** in which they are involved. The AU must comply **no later than 45 calendar days from the date of the request**, or sooner if required to prepare for an IEP meeting or hearing.
- Pages 8-10 of the PSN include more information on what is an educational record and parents' rights to review them.

Request to change records

- Parents have the right to ask the AU to change their child's education record if they believe something in the record is wrong, misleading, or violates the child's privacy or other rights.
- The AU must decide whether to make the requested changes within a reasonable time. If the AU refuses to make the requested change, it must offer the parent the right to a hearing to talk about the matter.

Right to Challenge Decisions

Dispute resolution

- Parents have the right to challenge decisions made about their child's special education program through IDEA's Dispute Resolution (DR) options.
- IDEA's dispute resolution options include:
  - Mediation
  - State Complaint
  - Due Process Complaint
- CDE also offers special education meeting facilitation as an alternative dispute resolution (ADR) process.
- **Module 9** on Resolving Disagreements gives more information on these DR and ADR options.

Right to Challenge Decisions Related to Discipline

Discipline protections

- All students must follow the school's code of conduct.
- IDEA provides additional protections for children with disabilities when a disciplinary "change of placement" occurs.
- These protections ensure that a child's behavior that is a result of their disability is addressed through the IEP process to prevent interruption of educational services.
- A child without an IEP might be protected in certain circumstances. More information can be found on page 30 of the PSN and in Module 8.
- **Module 8** has more information on discipline protections and the right to challenge decisions related to discipline.

Right to Attend a Full Day of School

Colorado abbreviated school day law

- Colorado has a law that protects the rights of children with disabilities to attend a full day of school. (HB 24-1063)
- The law applies to any child who has been identified as eligible for an IEP or Section 504 Plan or for whom a referral for evaluation under either law has been made.
- **Appendix D of the Procedural Safeguards Notice** explains this state law.

Abbreviated school day situations

- A child with a disability may have a shortened school day for different reasons. This will be explained in more detail in upcoming slides.
- A child might have an **abbreviated school day** if they are in school for fewer hours than the majority of students in the same grade because of a school decision.
- A child might also have a shortened day because they have an **abbreviated school day schedule** designed and approved by the IEP team.
- A child might have a shortened day because of a parent's decision. The state law does not apply if the child's day is shortened because of a parent decision.

Abbreviated school day

- An **abbreviated school day** is any school day during which a child receives instruction or educational services for fewer hours than the majority of other students who are in the same grade and school. This includes an abbreviated day that is planned or unplanned.
- If the **school decides** to shorten a child's school day to handle behavior, it must count this as a disciplinary removal (suspension) even if the child was not formally suspended.
- This state law does **not** apply if the child's **parent or legal guardian requests** an abbreviated school day schedule or chooses not to send their child to school for a full day.

Abbreviated school day schedule

- Some children with disabilities may have an **abbreviated school day schedule.**
- This is a schedule **designed and approved by the IEP Team or 504 Team** that plans for a child to regularly receive instruction or educational services for fewer hours than the majority of other students who are in the same grade and school.
- The IEP or 504 Team must determine that the abbreviated school day schedule is necessary to provide FAPE in the LRE based on the child's unique, individualized needs.

Abbreviated school day schedule, continued

- Each AU must have a policy to clarify “when and how abbreviated school day schedules may be implemented” in compliance with the requirements of IDEA, Section 504, and ECEA.
- CDE has a model abbreviated school day policy on its website. Abbreviated School Day Model Policy.
- Check your AU’s Abbreviated School Day Policy. If you cannot find the policy, ask your child’s special education teacher or the AU’s Special Education Director.

Individual support

Families, educators, and other professionals with questions about Special Education or needing assistance can contact CDE's Office of Special Education.

Phone: 720-926-1453

Email:

Parents_ESSUquestions@cde.state.co.us



CDE/Colorado resources

- CDE, Colorado Procedural Safeguards Notice (linked on CDE's Individualized Education Program page and at and at Dispute Resolution, Parent and Child Rights in Special Education)
- CDE, IEP Document Translation
- CDE, Abbreviated School Day Model Policy

Other resources (not specific to CO)

- Center for Parent Information and Resources (CPIR), Right to Receive a Complete Explanation of Procedural Safeguards
- CPIR, Right to Obtain an Independent Educational Evaluation
- CPIR, Confidentiality and Access to Records
- US ED, What is FERPA?
- US ED, IDEA and FERPA Crosswalk