Summary of Parents' Rights

A brief summary of Procedural Safeguards for students with disabilities receiving special education services.

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. Individuals serving as surrogate parents and students aged eighteen receiving special education services, are also entitled to these rights.

A number of staff in the child's district and special education local plan area (SELPA) may answer questions about the child's education and the parents' rights and responsibilities. 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).

When a parent cannot be identified or located, a district may appoint a surrogate parent to represent a child with a disability.

What Are Parents' Rights in California Special Education?

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, evaluation, or educational placement in special education or the provision of FAPE to the child.

- 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. The district must ensure that parents understand proceedings of the IEP team meeting including arranging for an interpreter for parents with deafness or those whose native language is other than English.

- 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 Evaluations

If parents disagree with the results of the assessment conducted by the school district, they have the right to ask for and obtain 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, without unnecessary delay, 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 remain 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. Under certain conditions, the hearing officer may award, reduce, or deny the reimbursement of attorneys' fees and fees paid to nonpublic institutions by parents in the settlement of a case. 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. Mediation is available for:

1. Mediation of State Complaints - the California Department of Education is required to offer mediation to the parent or the local educational agency (LEA) but both must agree, and participation is voluntary.
2. Office of Administrative Hearings (OAH) Mediation Only - Parent or LEA may file for OAH mediation only. Participation is voluntary.

Parents may seek mediation alone or separate from due process, or they may participate in mediation pending a due process hearing. Mediation cannot be used to delay parents' right to a due process hearing.

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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. The Department must investigate complaints alleging violations of noncompliance with IDEA, state special education laws, or regulations, and issue a written report of findings within 60 days of receiving the complaint.

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.

If the student with a disability is in such a placement for more than ten days, an IEP meeting must be held to consider the appropriateness of the child's current placement and the extent to which the disability is the cause of the misconduct. Regardless of the child's placement, the district must provide FAPE

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, though some private schools and students attending private schools may receive some services from the school district.

Additional Resources

This notice is an abbreviated summary of procedural safeguards under federal and state laws (20 *United States Code* Section 1412[d]; 34 *Code of Federal Regulations* 300.504; California *Education Code* sections 56301[d][2], 56321, and 56341.1[g][1]). Special Education Rights of Parents and Children, a more extensive description of these rights, is available from the California Department of Education, Special Education Division.

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, Constituent Support Services Unit, by phone at 800-926-0648 or by email at SEDCO@cde.ca.gov.

You may also contact the Complaint Support Unit at:
Email: speceducation@cde.ca.gov
Fax: 916-327-3704
California Department of Education
Special Education Division
Complaint Support Unit
1430 N Street, Suite 2401
Sacramento, CA 95814

To file for mediation or a due process hearing, contact:
Office of Administrative Hearings
Special Education Division
2349 Gateway Oaks, Suite 200
Sacramento, CA 95833-4231
Telephone: 916-263-0880
Fax: 916-376-4207

Secure Electronic Filing
To contact the NUSD Special Education office directly:
Natomas Unified School District
Special Education Office
1901 Arena Blvd
Sacramento, CA 95834
(916) 567-5434