Rights of Parents of Children with Disabilities; Knowledge of Procedural Safeguards

To assist parents in developing a broader knowledge base about their rights within the Special Education Process.

Agenda

- Process Overview
- Disagreement
- Strategies for Success
Procedural Safeguards

- Explains specific rights and responsibilities of the parent
- July 2018
- English and Spanish
- Schools are responsible for printing/providing
Procedural Safeguards

Given out on the following occasions:
1. Initial Referral
2. Anytime testing is requested
3. At least once per year (Annual ARD)
4. When a Disciplinary change of placement occurs
5. Due Process
6. Whenever you want a copy!

Parental Consent

Written Consent is needed before testing begins.
- Native Language
- Fully Understand
- Agree in Writing
- School must maintain detailed
  - Phone log
  - Copies of Contact
  - Visits to home or place of employment
Can I change my mind and take back my consent?

But it doesn’t take back anything that has already been done!

Must be in writing!

Initial Evaluation

- Full & Individual Evaluation is completed and report written within 45 school days of written parental consent.
Can I ask for my child to be tested or retested?

But you should always ask in writing!

Responding to Parent Request for Testing

“If a parent makes a written request to a school district’s director of special education services or to a district administrative employee for a FIE..., the district shall not later than the 15th school day after the date the district received the request:

1. Provide an opportunity for the parent to give written consent for the evaluation,
2. Refuse to provide the evaluation and provide the parent with the notice of procedural safeguards”
**Evaluation Procedures**
- Give Notice of Evaluation
- Get Informed Consent
- Complete the testing
- Interpret the results
- Write a report
- Provided the report to parent

C.F.R. § 300.204, 205

**Three Year Reevaluation**
- Children in special education must go through the reevaluation process every three years.
- This is commonly called a Review of Existing Evaluation Data (REED).
- New testing may or may not be recommended.

**What if I DON’T agree with the evaluation done by the school?**
Independent Education Evaluation

- Paid for by the school
- Not done by a school employee
- Qualified person

Prior Written Notice (PWN)

Written Notification is required at least 5 school days before to holding an ARD meeting.

- Purpose
- Reason and actions to be discussed
- Listing of persons (positions) invited to attend
- Agencies invited to attend by school

5 schools days notice can be waived by the parent

ARD

Admission (Initial or Transfer)
Review (Annual, Reevaluation)
Dismissal
# Individualized Education Plan (IEP)

- Written statement of the educational program
- MUST be individualized
- Every child receiving services must have an IEP
- Two general purposes
  - Set reasonable learning goals
  - State the services that the school district will provide

# IEP Team

- Parent
- Student, if appropriate
- General Education Teacher of the child
- Special Education Teacher of the child
- Public Agency Representative (administrator)
- Person who can interpret evaluation
- Other members as appropriate

Records are kept confidential during:
- Collection
- Storage
- Disclosure
- Destruction
At what age will my student become responsible for educational decisions?

You will still get notifications, but to attend a meeting you must be invited by your child. By the 17th birthday you must receive notification that your child’s rights will transfer at age 18.

Court Appointed Guardian
What if I disagree with any decision made by an ARD?

Resolving Disagreements

- ARD meetings may sometimes end in disagreement or Non-Consensus.
- Parents must be allowed to write their own statement of disagreement and attach it to the ARD document.
- Schools must offer parents an opportunity to reconvene the ARD meeting at another date & time. (10 days)
Facilitated IEP

Facilitated IEP is a process in which a student’s IEP is developed in a structured meeting by a collaborative team.

The team includes all required IEP team members who share the responsibility for the meeting process and results, and decision-making is managed with effective facilitation skills.

Who can be an IEP facilitator?

1. Any school based IEP team member
   - Home campus, or within district campus staff members
   - Central office based staff members
   - Outside district school staff member
   - Outside district, third party not affiliated with school

Texas Education Agency Mediation Services

2. Parent and school must agree to participate
   - TEA arranges and pays
   - Mediator is NOT a TEA employee
   - Independent person trained in dispute resolution – does not take sides
   - Both parties sign a written agreement and it is legally binding.
Texas Education Agency
Complaint Resolution Process

- Parent sends a written complaint to TEA
- Within 60 days TEA investigates and provides a written decision.
- TEA determines if violations have occurred and provides steps of resolution to school
- **TEA decision is FINAL, no appeal**

Due Process Hearing Program

- Impartial Hearing Officer hears evidence from both parties
- Issues a legally binding decision
- Parent has the burden to prove the school violated a special education requirement
- All the same procedures as a court of law, usually includes legal representation.
Strategies for Success

Your child is the center of your world, and should also be the center of the IEP. Ask until you can walk away knowing what is in the plan and why.

Seek consultation from other professionals who may have expertise in specific areas concerning your child. More information and knowledge may give more insight.
Suggestion: Keep all paperwork in binders by date. Ask for copies of ALL paperwork generated. Ask for your point of view to be documented in the deliberations.

Clearly Document Parent Questions & School Response

Determine within the ARD if additional training in specific areas is needed: Restraint, Autism, Positive Behavior Supports, Learning Disabilities, Dyslexia.

Ask about the training & experience of staff members.

Ask for what you think your child needs to make progress

What is needed to fulfill the request on the part of the school? Determine a starting point – evaluation, gathering data, seeking training, purchasing materials.
Services in the IEP are mandatory and legally binding. If something is written into the IEP, it MUST be provided by the school as agreed upon.

“Please show me in the IEP where it reflects...”

Child Centered Collaboration is the key

Value input, and expect to be valued in return. Stay focused on the needs of your child. Listen, Contribute, Question, Affirm, Document

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