

Parental Rights Summary

This is a very brief summary of your rights. In order to assure that you have a full explanation of your rights, you are to receive a copy of the Procedural Safeguards Manual for Parents (Parental Rights in Special Education) at least one time each school year. In addition, you must be given a copy (1) upon an initial referral or your request for evaluation for your child, (2) upon your filing of a first due process complaint or first state complaint in a school year; and (3) whenever a decision is made to take a disciplinary action that constitutes a change of your child's placement. You also get a copy of the procedural safeguards whenever you ask for one. In addition to your rights, the Procedural Safeguards Manual for Parents lists sources of assistance for parents and outlines special safeguards related to student discipline.

This summary is provided for your convenience and is not a replacement for the Procedural Safeguards Manual for Parents. If there are any differences between the Procedural Safeguards Manual for Parents and this summary, the information and guidance in the Procedural Safeguards Manual for Parents is followed.

For each child with a disability who requires special education, your public school district and area education agency have the responsibility to provide a free and appropriate public education in the least restrictive environment.

Free and Appropriate Public Education (FAPE)

Free means that special education services are provided at no cost to the parents. You may be charged the same general education fees that are charged to other parents, such as fees for extracurricular activities or lab fees. Appropriate means that your child's program must provide the right kind of services based on your child's needs and enough services for your child to receive educational benefit. Educational benefit is a broad term that includes access to and progress in the general education curriculum used for all children, access to the same activities and settings as children who do not have disabilities and progress towards the individual goals set specifically for your child.

Least Restrictive Environment (LRE)

Your child will attend classes, participate in nonacademic and extracurricular activities and receive services with children who are not disabled to the maximum extent appropriate.

Parental Rights

FAPE and LRE for your child are protected by rights you have as parents. These parental rights are referred to as procedural safeguards and they assure that you have an important role in planning and decision-making for your child. These safeguards include:

Participation rights:

1. You have the right to provide information for your child's evaluation,
2. You have the right to be a member of any group that makes decisions regarding the educational placement of your child, and
3. You have the right to participate in meetings related to your child's identification, evaluation, educational placement and the provision of FAPE.

Notice rights:

1. You have the right to be receive written notification in a timely manner of meetings related to your child's identification, evaluation, educational placement and the provision of FAPE,
2. Invite others to participate in the meetings such as teacher, translator, educational advocate or anyone who you would provide information regarding the child to the IEP team,
3. You have the right to be informed of any proposed changes in your child's identification, evaluation, educational placement and the provision of FAPE,
4. You have the right to be informed of any refusal by the school or LEA to make changes that you have requested in your child's identification, evaluation, educational placement, and the provision of FAPE, and
5. You have the right to receive notices in a manner and language you can understand.

Consent rights:

1. You have the right to give, withhold or withdraw your consent to an evaluation to determine if your child is eligible for special education services. Your consent to an evaluation may be withdrawn before the evaluation is completed.
2. You have the right to give, withhold or withdraw your consent to reevaluations of your child. Your consent to a reevaluation may be withdrawn before the reevaluation is completed.
3. You have the right to give, withhold or withdraw your consent for your child's initial placement in special education. Your consent to an initial placement may be withdrawn before the placement is made.
4. You have the right to give, withhold or withdraw your consent for billing insurance providers (e.g., Medicaid) to pay for special education and related services. Your consent for insurance billing may be withdrawn at any time.
5. You have the right to withdraw your consent for continued special education and related services for your child. This must be done in writing.

Records rights:

1. You have the right to review educational records,
2. You have the right to ask that records be changed if you believe the records are incorrect or misleading
3. Be kept informed of their child's progress at least as often as parents of non-disabled children
4. In many circumstances, you have the right to give your consent before records are disclosed to other agencies or persons. Disclosing records without parent consent is allowed by the law only under certain circumstances, such as to another school to which the student is transferring, to respond to a health or safety emergency, to auditors, or to comply with a court order or subpoena.

Independent educational evaluation right:

You have the right to request an independent evaluation at no cost to you if you disagree with the evaluation done by the school and LEA

Transfer of rights

Parental rights transfer to a student with a disability at the age of majority unless the parent(s) or someone else takes the necessary legal steps to become the young adult's legal guardian.

Dispute Resolution Rights:

When parents do not agree with the school's recommendations about their child's education, they have the right to:

1. Refuse to consent to decisions about their child's classification, evaluation, or placement
2. Refuse to sign an IEP document; Parents have 10 school days to think about the IEP before signing it
3. After the dispute has reached the district level, request a mediation of a dispute as a way of resolving differences; this means that a meeting is held in which a neutral party listens to both sides and helps everyone come to an agreement. The Illinois State Board of Education has trained resolution facilitators who can assist with dispute resolution for any issue.
4. Request an impartial due process hearing; this means that an impartial hearing officer listens to all parties and decides what is to be done, according to the law

In most circumstances, once you have requested a mediation conference or due process hearing, your child's placement cannot be changed without your agreement until the dispute is resolved. There is an exception to this "stay put" rule when a code of conduct violation involves a weapon, drugs or serious bodily injury. In that case, the student's placement may be changed in the interim for safety reasons.

This is a very brief summary. See the Procedural Safeguards Manual for Parents for complete and detailed information