



Summary of Parent Rights

As described in the *Indiana Department of Education Notice of Procedural Safeguards* that I will offer to you, your rights are protected by law and I am required to provide you with information related to those protections. I will summarize a few key points, but I encourage you to read the entire written explanation.

Free Appropriate Public Education (FAPE):

Public schools in Indiana must make sure that a free and appropriate public education, including special education and related services, is available to individuals with disabilities. Individuals with disabilities are generally entitled to such an education from age 3 (three) through the school year in which they turn twenty-two (22) years of age.

Least Restrictive Environment:

Your child is entitled to be educated with non-disabled students to the maximum extent appropriate. The school will ensure that a continuum of placement options is available to meet the individual needs of each student.

Evaluations:

You have protection in regard to the evaluation of your child, as stated under the heading *evaluations* in the written explanation of parent rights. If you disagree with the educational evaluation conducted by the school, you may request an independent educational evaluation (IEE) and have that evaluation considered. If you request an IEE, the school will provide you with information about where to obtain and the criteria applicable to an IEE. If you request an IEE at school expense, the school will either notify you that it will pay for an IEE or initiate a hearing to determine if the school's evaluation was appropriate. Please remember that an IEE pertains to your disagreement with the educational evaluation conducted by the school.

Case Conference Committee (CCC) Meetings:

The case conference committee (CCC) is a group of individuals that includes you and school personnel. The CCC determines your child's eligibility for special education and, if eligible, develops your child's individualized education plan (IEP). Creating an IEP involves many considerations including a child's placement, and the need for related services. The CCC must meet at least annually, but you have the right to request a CCC meeting at any time, if you believe a required component of the student's IEP needs to be changed to ensure a FAPE.

Prior Written Notice and Consent:

The school must give you written notice before it proposes (or refuses) to initiate or change the identification, evaluation, special education placement or provision of FAPE.

The school needs your written consent before it can do certain things in regard to your child's special education program. For example, the school cannot evaluate your child for the first time or provide special education and related services for the first time without such consent. On the other hand, when the school proposes to take certain other actions concerning your child's special education and related services, the school may take those actions, even if you disagree, ten (10) days after notifying you of them in writing. However, if you request and participate in a meeting with a proper school official, initiate mediation, or request a due process hearing in those ten (10) days, the school cannot take the action and must continue to use the current IEP.

If you revoke consent for special education and related services, your child is no longer treated as a student with a disability for purposes of special education. You cannot revoke consent for only some of the special education services. After you revoke consent, the school must provide you with written notice.

On the eleventh (11th) day after the school provides you with written notice (or on an earlier date if you consent in writing), the school must stop providing special education services and place your child in general education without an IEP. If you later decide you want your child to receive special education services again, you must request and consent to an initial evaluation.

For a complete explanation of your rights regarding notice, consent and withdrawing consent, please review the *written notice* and *parental consent* sections of the written explanation in the *Indiana Department of Education Notice of Procedural Safeguards*.

Educational Records and Confidentiality:

You may access, inspect and review any educational records relating to your child according to the provisions stated under the *confidentiality of and access to educational records* section of the written explanation in the *Indiana Department of Education Notice of Procedural Safeguards*. The right to inspect and review includes the right to an explanation and interpretation of your child's record from school personnel. If you believe that information in your child's educational record is inaccurate or violates your child's privacy, you may ask the school to amend the record.

Parental consent must be obtained before any personally identifiable information about your child may be: 1) released to any person not otherwise entitled under Family Education Rights and Privacy Act (FERPA) to have access to it or 2) used for any purpose other than meeting requirements of the Individuals with Disabilities Education Act (IDEA). The school may be required or permitted to disclose educational records to others, such as to a new school the student will be attending or to law enforcement authorities under certain circumstances.

Disciplinary Actions:

A student with a disability is subject to the same disciplinary action for violating school rules as any other student. However, the school must follow specific procedures (outlined in the *students with disabilities and disciplinary action* section in the *Indiana Department of Education Notice of Procedural Safeguards*), if the student is suspended for more than ten (10) school days.

For example, if the student is suspended for more than ten (10) school days the CCC must meet to determine whether the conduct was related to the student's disability or the school's failure to implement the IEP. If the conduct was related to one of these, the CCC conducts a functional behavioral assessment (FBA), develops or modifies the positive behavior intervention plan (PBIP), and the student is returned to his or her placement, unless he or she has been placed in an interim alternative educational setting (IAES) or you agree to a change of placement. If the conduct was not related to one of these things, the school may remove the student from school, but must provide educational services. The school is not prohibited from reporting a crime to appropriate authorities.

A student who has not yet been determined eligible for special education may be entitled to the above protections, under certain circumstances. This is further explained in the *protections for students not yet eligible* section in the *Indiana Department of Education Notice of Procedural Safeguards*.

Complaints, Mediation and Due Process:

If you believe that the school is not complying with one or more procedural requirements, you may file a written, signed complaint with the Indiana Department of Education (IDOE) Division of Special Education (also known as the Center for Exceptional Learners-Office of Special Education). The complaint process, including how you can file a complaint, is discussed in the section of the *Indiana Department of Education Notice of Procedural Safeguards* titled *complaints*.

If you disagree with the school regarding the identification, evaluation, placement, services, or the provision of a FAPE to your child, mediation is available to resolve the disagreement. Participating in

mediation is voluntary for both you and the school. The mediation process, including how you can request mediation, is discussed in the section of the *Indiana Department of Education Notice of Procedural Safeguards* titled *mediation*.

You may also request a due process hearing to resolve a dispute between you and the school regarding your child's disability identification and eligibility, the appropriateness of an evaluation or proposed or current placement and services, or any other dispute involving the provision of a FAPE. A due process hearing is a formal proceeding in which evidence is presented to an independent hearing officer appointed by the State. Due process procedures, including how you can request such a hearing and the time limitations on such requests, are discussed in the section of the *Indiana Department of Education Notice of Procedural Safeguards* titled *due process hearings, court actions and attorneys' fees*. An expedited due process hearing is available in limited circumstances.

Note: When your child turns eighteen (18), these rights transfer to him/her.

At this time I would like to offer you a copy of the written notification of the *Indiana Department of Education Notice of Procedural Safeguards*. If you have any questions, please ask me. You may also contact the Indiana Department of Education, About Special Kids (ASK), Indiana Resource Center for Families with Special Needs (IN*SOURCE), or Indiana Protection & Advocacy Commission, if you need help in understanding the notice.

****This document is not a substitute for the full notice of procedural safeguards (doc. 4.2). ****