

Parents' Rights Summary

Parents and students over age eighteen have the right:

1. **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 public and nonpublic options.
2. **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, assessment, or educational placement in special education.
3. **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 if their native language is other than English.
4. **To Refuse to Consent** Parents may refuse to consent to an assessment or the placement of their child in special education. Parents may also withdraw consent for special education services.
5. **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.
6. **To Receive Independent Educational Assessments (IEE)** If parents disagree with the results of the assessment conducted by the school district, and request 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 to establish the appropriateness of their assessment. The school district also has the right to establish the standards or criteria (including cost and location) for IEEs at public expense. Only one IEE will be provided for each district assessment.
7. **To inspect, review, and obtain copies of their child's educational records.**
8. **To Stay in the Current Program if There is a Disagreement about Placement** or a proposed change in placement, the law requires the student to "stay put" in the current program until the dispute is resolved.
9. **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. The hearing officer may rule upon reimbursement of attorneys' fees and fees paid to nonpublic institutions by parents in the settlement of a case. To see a complete description of your due process hearing rights, refer to your Notice of Procedural Safeguards or contact the Office of Administrative Hearings (see contact information below).
10. **To Receive Mediation** Parents are encouraged to settle disagreements regarding their child's special education program through voluntary mediation, with the help of an impartial mediator. Parents may seek mediation only, or they may participate in mediation pending a due process hearing. Mediation cannot be used to delay parents' right to a due process hearing.
11. **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 noncompliance with IDEA or state special education regulations, and issue a written report of findings within 60 days of the complaint.
12. **To Be Informed of School Discipline and Alternative Placement** The specific rules regarding the suspension and expulsion of students with IEPs allow a student with a disability to be suspended or placed in an alternative educational setting to the same extent that these options apply to students without disabilities. After 10 days of suspension 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.
13. **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. 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

To get more information or file a Complaint:

CA Dept. of Ed. Special Education Division
Procedural Safeguards Referral Service
1430 N Street, Suite 2401
Sacramento, CA 95814
Telephone: 800-926-0648
Fax: 916 327-3704

To file for mediation or due process:

Office of Administrative Hearings
Special Education Division
2349 Gateway Oaks, Suite 200
Sacramento, CA 95833-4231
Telephone: 916 263-0880
Fax: 916 263-0890