

Parents' Rights Under IDEA



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IDEA



The Individuals with Disabilities Education Act (IDEA) is a federal law.

Purpose of IDEA

- To ensure that all children with disabilities receive a free appropriate public education.

and

- To ensure that the rights of children with disabilities and parents of such children are protected.

Parents' Rights

- IDEA includes specific rights for parents of children with disabilities.
- These rights are called “*Procedural Safeguards.*”
- Parents hold the educational rights of their children until they reach age 18.

Procedural Safeguards

The procedural safeguards in place include rights regarding the following:

- Notice
- Consent
- Independent Educational Evaluation
- Participation
- Records
- Disagreement

Notice

- Parents must be given notice (a written copy) of all their procedural safeguards.
- Parents have a right to prior written notice of any proposals to, or refusal to, make changes relating to their children's special education and related services.

Consent

- Parents' consent to any proposed action must be informed consent.
- Informed consent is when: (1) complete information is provided in the parent's native language; (2) the parent approves in writing; and (3) the parent knows that their approval is voluntary and can be taken back at any time.

Consent

Parents:

- Must give their written consent before their children are evaluated.
- Must consent to the initial provision of special education and related services.
- Have the right to refuse and to revoke (take back) their consent.

Independent Educational Evaluation (IEE)

Parents have a right to a free IEE if the school's evaluation is not appropriate

Participation

- Parents have the right to be involved in meetings about the identification, evaluation and educational placement of their children.
- Parents must be given an opportunity for meaningful participation in such meetings.

Records

Parents have the right to:

- Inspect and review any education records relating to their children.
- Request amendment of their children's educational records if they believe the information is inaccurate or misleading, or violates the privacy or other rights of their children.
- A hearing to challenge information in their children's records.

Disagreement

Parents have the right to:

- Disagree with the school

and

- To use mediation, due process hearings or state complaints to resolve their disagreements.

Key Things to Remember!

- You are an equal partner in the education of your child.
- No one knows your child better than you.
- Don't be afraid to exercise your rights.
- Use your voice to better the quality of education for your child(ren) and others.
- Seek help if you need it – call AJE.

Questions

