



# Special Education Parents' Rights

Los Angeles Unified School District  
Division of Special Education



# Objectives

- Gain awareness of Federal and State legal mandates regarding special education parent rights
- Become knowledgeable of Parent's Procedural Rights and Safeguards regarding Special Education



# Legal Mandates

## ■ Federal Law

- Individuals with Disabilities Educational Act (IDEA) 2004, Code of Federal Regulations

## ■ State Law

- California Educational Code



# District Notice of Procedural Rights and Safeguards

- *A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)*



# *A Parent's Guide to Special Education Services*

- Provided Once per School Year and:
  - With initial referral for assessment
  - With filing of State complaint, mediation, and due process hearing
  - When disciplinary action taken that results in change of placement
  - With parental revocation of provision of special education services



# Right to Prior Written Notice

- Before Proposing or Refusing to Assess
- Before Proposing or Refusing to Change
  - Identification
  - Educational placement
  - Special education services



# Right to Consent

- Initial Assessment
- Initial Provision of Special Education Services
- Release of Educational Records

# Right to Revoke Consent for Services

- Revoke Continued Provision of All
  - Special education services
  - Related services
- Request Revocation in Writing
- District Provides Prior Written Notice
  - Within 5 business days of request
- District Ceases Services
  - 15 calendar days from date on prior written notice form





# IEP Process Rights

- Parents must be part of IEP team that makes educational decisions regarding child's educational program
- District must make reasonable efforts to ensure parents understand offer of FAPE



# Right to Access Educational Records

- Request May Be Oral or Written
- Within 5 Business Days of Request Parents May
  - Inspect and review records
  - Request explanation/interpretation of records
  - Be given copies of records




# Right to Procedural Safeguards to Resolve Disagreements

- Assessment
- Eligibility
- Instructional Setting
- Services



# Dispute Resolution Processes

- Informal Dispute Resolution (IDR)
- Mediation Only
- Formal Due Process Hearing



# Right to File Complaint

- Local Complaint

- Uniform Complaint Procedures (UCP)

- State Complaint

- California Department of Education (CDE)

- Local/State Complaint Procedures

- Investigation
- Written decision
- Appeal process



# Additional Information

- Private School Reimbursement
- Discipline
- Surrogate Parents



# Private School Reimbursement

- Unilateral Private School Placement
  - Child previously receiving District services
  - Parents enroll child in private school without consent or referral by District
  
- Reimbursement Reduced or Denied if Parents Failed to Notify District
  - Rejecting District's placement
  - Concerns regarding placement
  - Intent to enroll child in private school and seek District reimbursement



# Discipline

- Parents May Request
  - IEP Meeting
  - Behavior Assessment
- School Personnel May
  - Make change in placement due to misconduct
    - 10 day suspension
    - Interim Alternative Educational Setting (IAES)
    - Expulsion
- Explanation of Discipline Proceedings





# Surrogate Parents

- No Parent/Guardian Can Be Identified
- Parent/Guardian Cannot Be Found
- Child Is Ward of State
- Court Has Limited Parent/Guardian Educational Decision Making Rights
- Child Is Homeless and Not in Physical Custody of Parent/Guardian



# Additional Resources for Parents

- Special Education Support Unit Administrator in Local District
- Complaint Response Unit/Parent Resource Network (CRU/PRN)
  - 800-933-8133
- Community Advisory Committee (CAC)
  - 213-241-6701
- Special Education Multicultural Advisory Committee (SEMAC)
  - 213-241-6701