Access
EDUCATIONAL ADVOCACY

QUICK REFERENCE

KNOW YOUR RIGHTS

The procedural safeguards

A brief summary

The school must give you its Procedural Safeguards Notice at least once a school year, and again when you first request an evaluation, file a complaint or due process request, or ask for a copy. Most parents and caregivers set it aside. Don't. It's your roadmap to your rights as a parent or legal guardian.

Participation rights

You are a required member of your child's IEP team. You can give input on evaluations, attend every meeting about identification, evaluation, and placement, and help make each decision.

Notice rights

The school must tell you in writing before it proposes or refuses any action about your child's education, in a language and format you can understand.

Consent rights

The school needs your written consent before an initial evaluation, a reevaluation, and the first time it provides special education services. You can say no, and you can change your mind later.

Records rights

You can review all of your child's educational records, including evaluations, IEPs, and progress reports, request copies, and ask that inaccurate information be corrected.

Independent evaluation (IEE)

If you disagree with the school's evaluation, you can request an Independent Educational Evaluation at the district's expense.

Dispute resolution

You have three formal options: mediation, a state complaint to your state's Department of Education, or a due process hearing before an impartial hearing officer.

Stay-put

During a dispute, your child stays in their current placement unless you and the school agree otherwise.

Transfer of rights

In most states, rights under IDEA transfer to the student at 18. If your child is getting close, plan ahead.

You don't need to memorize this. Keep your copy, and ask for a new one if a year goes by without one. Rights vary by state (Virginia, for example, requires consent for more), so check your state's regulations.

WANT SOMEONE IN THE ROOM WHO KNOWS THE DOCUMENT?

Start with a free 15-minute call: (804) 420-2273 | myaccessadvocacy.com

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