

A photograph of three women sitting together and laughing joyfully. The image is overlaid with a semi-transparent purple and blue gradient. The woman on the left is wearing glasses and a patterned top. The woman in the middle is wearing a light-colored top. The woman on the right is wearing a pink top.

# IEP: Knowing Your Rights

## Procedural Safeguards

# Our Mission



The mission of the PEAL Center is to educate and empower families to ensure that children, youth and young adults with disabilities and special health care needs lead rich, active lives as full members of their schools and communities.



# Objectives:

- Describe the rights of families and students through the use of Procedural Safeguards under IDEA
- Increase awareness of dispute resolution processes and alternative dispute resolution
- Know where to find information about rights regarding school discipline, especially suspension and expulsion of students with disabilities

# Your Rights in the IEP Process



# I. General Information in Procedural Safeguards



Parents must be given opportunities to:

- Refer their child for special education services
- Have the right to participate in any decision-making meeting including individualized education program (IEP) meetings about the special education eligibility, assessment, educational placement of their child and other matters relating to their child's free appropriate public education (FAPE)
- Be informed of all program options and alternatives, both public and nonpublic

(Section I of Procedural Safeguards)

# IB. You have a right.... To Receive Prior Written Notice



Parents have a right to receive **Prior Written Notice**, in their native language, when the school district:

- Initiates a change in their child's identification
- Assessment
- Change of educational placement in special education

\*In PA, this is called the NOREP/PWN (Notice of Recommended Educational Placement/Prior Written Notice)

(Section I of Procedural Safeguards)

# IC. You have a right... To Information in Your Native Language



- Information should be presented to you in the language normally used at home
- This includes your child's language/communication!
- For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses

(Section I of PA Procedural Safeguards)

## IC. You have a right...



- Children must be assessed for special education using methods that are **not culturally biased or discriminatory**

(Section I of PA Procedural Safeguards)

# The Rights Done Right: Non-Discriminatory Assessment



# IE. You have a right... To Consent



Parents must provide informed, written consent before their child is:

- Evaluated or provided with any special education services
- Or before any change in special education services may occur.
- The district must ensure that parents understand what is happening at the IEP meeting, this includes arranging for an interpreter for parents with deafness or those whose primary language is other than English.

(Section I of Procedural Safeguards)

# IE. You have a right... To Refuse to Consent

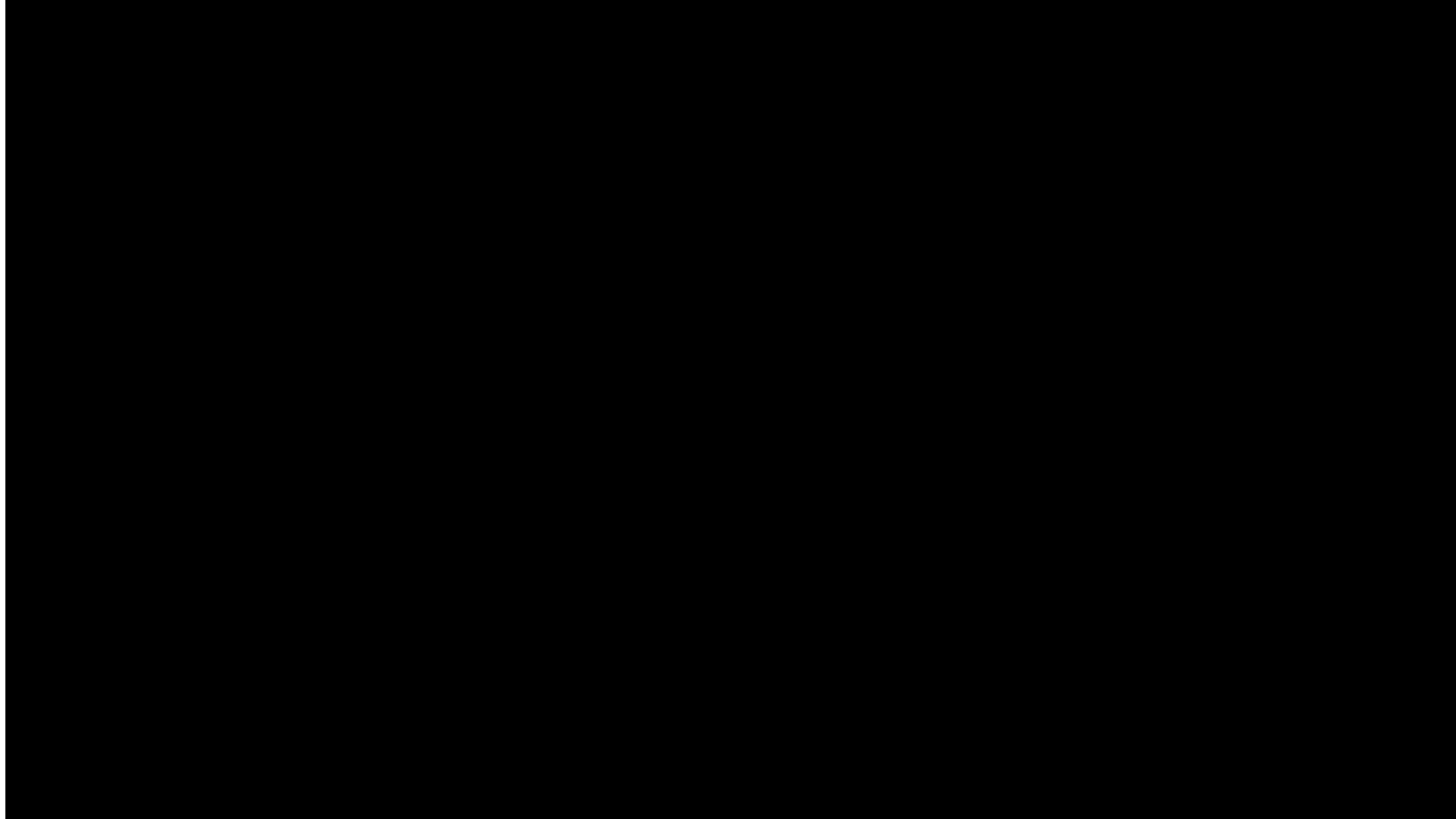


Parents may refuse to consent to:

- An assessment or
- The placement of their child in special education

(Section I of PA Procedural Safeguards)

# The Rights Done Right: Consent



# IF. When is Parent Consent Needed?

- Initial Evaluations
- Consent for Initial Placement in Special Education
- Consent for Reevaluation



# IF7. What If I Disagree With An Evaluation?



- If parents disagree with the results of the assessment conducted by the school district, they have the right to ask for and obtain an independent educational evaluation (IEE) at public expense
- The parent is only allowed to have one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees

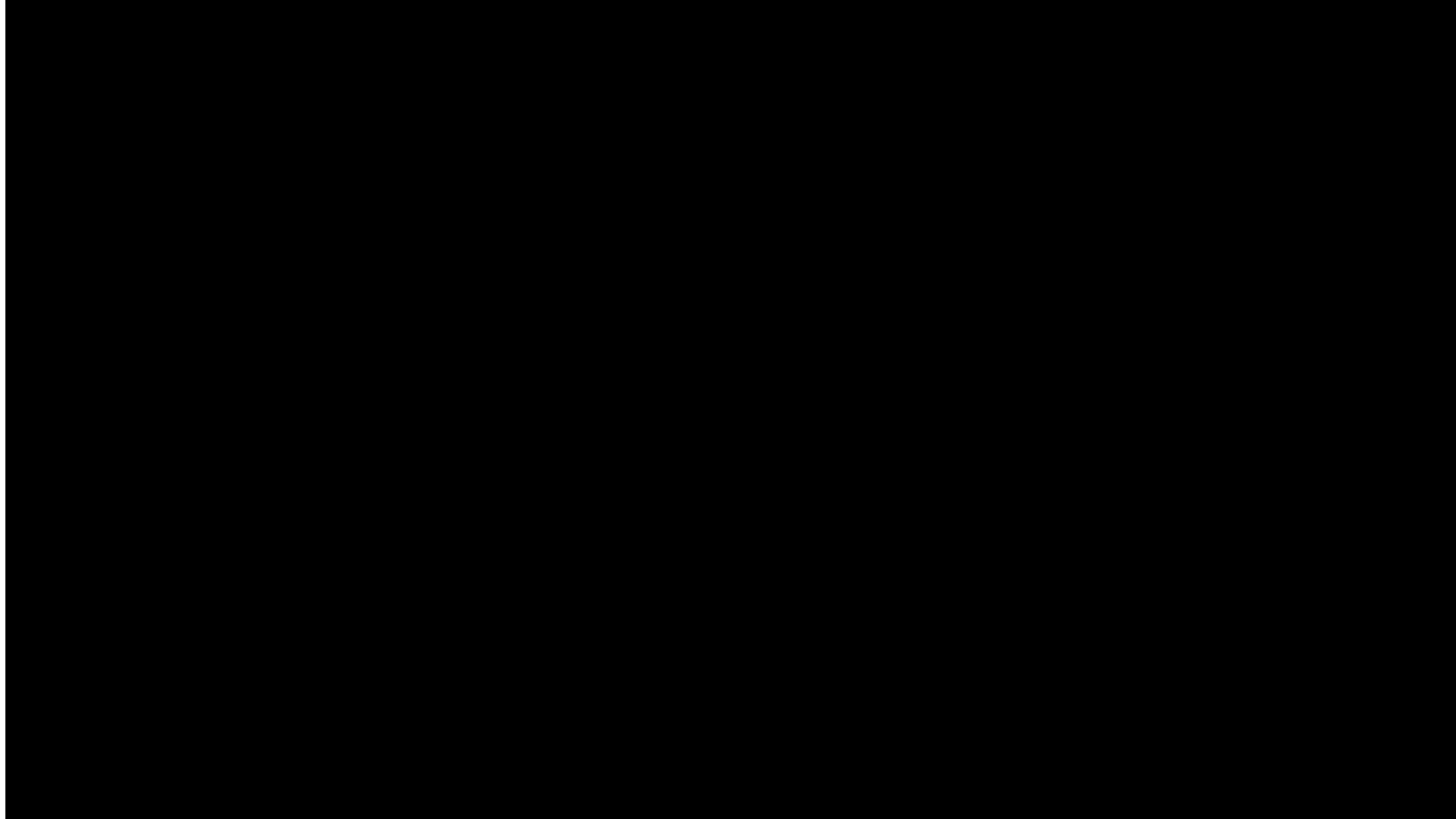
(Section I of PA Procedural Safeguards)

# 17a. To Receive Independent Educational Assessments



- When a parent requests 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 if the district believes their assessment was appropriate and disagrees that an IEE is necessary
- The school district also has the right to tell you how much it costs and provide a list of providers

# The Rights Done Right: Independent Educational Assessments



## II. You have a right... To Confidentiality



- Parents have a right to inspect, review, and obtain copies of their child's educational records without delay and no less than 45 days after you have requested the records
- If another person/agency requested and reviewed your child's records, the school district must collect their names, dates and the purpose for their record review

(Section II of PA Procedural Safeguards)

# IIE. You have a right... To Amend Student Records



- If you disagree with information in your child's records you can request the information to be taken out or changed
- The district must within a reasonable time decide whether or not to change the information
- If the district doesn't want to make the changes the parent asked, then the parents can request a "Records Hearing"

(Section II of PA Procedural Safeguards)

# III. You have a right... To File a Complaint



- The PA Department of Education must investigate complaints alleging violations of noncompliance with IDEA, state special education laws, or regulations, and issue a written report of findings within 60 days of receiving the complaint

(Section III of PA Procedural Safeguards)

# V. You have a right... To a Due Process Hearing



If the Resolution Session is not successful:

- Impartial Hearing Officer
- Two-year timeline when the parent or district knew or should have known about the issue
- Parent can bring an attorney, expert witness anyone who knows of the situation
- Receive a copy of transcripts of hearing
- Forty-Five-day timeline to hold hearing once resolution session is complete
- If parent prevails may be rewarded attorney fees

(Section V of PA Procedural Safeguards)

# IVC. You have a right..... To a Resolution Session



- The Parent can file a Due Process Complaint by describing the nature of the problem relating to what the district proposed or refused to do as well as describe what they want the outcome to be for their child
- Once the District receives the Complaint, they must set up a Resolution Session with all relevant members of the IEP team to see if the parents and district can come to an agreement. This process is put into place to try and resolve issues before they go to a hearing

(Section IV of PA Procedural Safeguards)

# VI. You have a right.... To Mediation



Parents can request [Mediation](#):

- Mediation is a voluntary process that is attended by an impartial mediator
- The mediator tries to help the parent and district come to agreement
- [2 types of mediation](#): facilitative and evaluative

(Section VI of PA Procedural Safeguards)

## VII. You have a right...

### To Stay in the Current Program

### If There is a Disagreement About Placement



If the parent disagrees with the district regarding their child's special education placement or a proposed change in placement, and requests mediation and or due process the student is able to “stay put” in the current program until the dispute is resolved

(Section VII of PA Procedural Safeguards)

## VIII. You have a right...

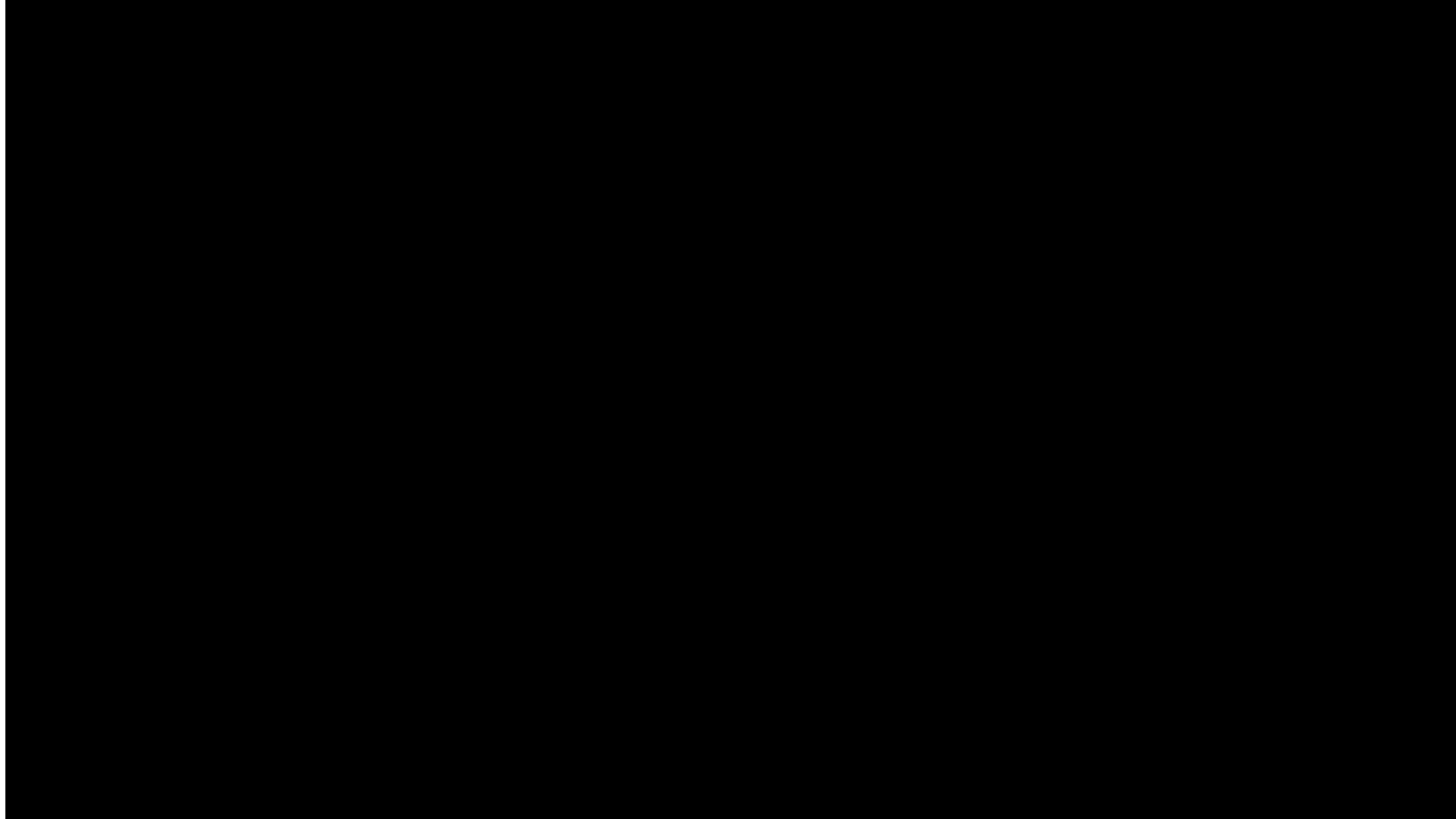
### To Be Informed of School Discipline and Alternative Placement



- Specific rules apply:
- A student with a disability may be suspended or placed in an alternative educational setting to the same extent as students without disabilities
- If the student with a disability is in an alternative placement for > ten consecutive days, an IEP meeting must be held to consider appropriateness of that placement and the extent to which the disability is the cause of the misconduct
- The district must provide FAPE

(Section VIII of PA Procedural Safeguards)

# The Rights Done Right: Right to be Informed of School Discipline



## IX. You have a right...

### 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
- School districts are not required to provide special education or related services to these students
- There is no entitlement for services, though some private schools and students attending private schools may receive some services from the school district

(Section IX of PA Procedural Safeguards)

# Evaluation: Procedural Safeguards



[www.tfaforms.com/5160031](http://www.tfaforms.com/5160031)

## HOW TO SCAN QR CODE



Open the Camera APP on your phone.



Point the camera at the circle.



Tap the screen to open the page.

Serving families across PA with offices in Pittsburgh and Philadelphia

More questions?

Contact The PEAL Center  
to talk to a Family Resource  
Specialist!

[https://www.pealcenter.org/  
need-to-talk/](https://www.pealcenter.org/need-to-talk/)

[info@pealcenter.org](mailto:info@pealcenter.org)

1-866-950-1040



# Questions and Discussion



# Resources

- [PROCEDURAL SAFEGUARDS NOTICE](#)
- Parent Advocacy Education and Leadership (PEAL) Center:  
[Educational Rights and IEPs:](#)  
<https://www.pealcenter.org/education-rights/>
- Parent Advocacy Education and Leadership (PEAL) Center:  
[Rights Done Right: Procedural Safeguards Videos:](#)  
[Educational Rights and IEPs – The PEAL Center](#)
- Pennsylvania Training and Assistance Network (PaTTAN):  
[Parents' Rights: Understanding the Procedural Safeguards Notice](#)
- Office for Dispute Resolution: <https://odr-pa.org/>

# Thank you!



[www.pealcenter.org](http://www.pealcenter.org)

[info@pealcenter.org](mailto:info@pealcenter.org)

1-866-950-1040



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