

SUMMARY OF PARENTS' RIGHTS/PROCECURAL SAFEGUARDS

The following is a summary of your Procedural Safeguards. A full copy of your Procedural Safeguards can be obtained by contacting your school or on IDOE's website (<http://ideanet.doe.state.in.us/exceptional/speced/laws.html>)

WRITTEN NOTICE

The school must provide you with written notice before it proposes to initiate or change, or refuses to initiate or change your child's identification, evaluation, or educational placement, or the provision of a free appropriate public education (FAPE).

PARENTAL CONSENT

You must provide written consent to the school before (1) an initial evaluation, (2) the initiation of special education and related services for the first time, (3) a reevaluation – unless the school can demonstrate that it has taken reasonable steps to obtain parent's signature but you failed to respond, (4) the school can access public benefits or insurance programs, (5) the school can release educational records to public agencies, (6) the school district of legal settlement and the school district where a private school is located can exchange information, and (7) the public agency representative, teacher of record, general education teacher or instructional strategist may be excused from attending and participating in all or part of the case conference. Information is available regarding when and how a parent can decline or revoke consent.

EVALUATIONS

You may request the school conduct an initial educational evaluation of your child. You may send a signed written request or make a verbal request to licensed school personnel. Your written consent is required before the school can conduct the evaluation. The timeline for evaluation and a case conference to discuss evaluation results is: (1) 50 instructional days if your child has not been involved in interventions or is involved in interventions but making adequate progress, or (2) 20 instructional days if your child has been involved in interventions but is not making progress. The need for reevaluation for a student found eligible for special education services will be reviewed annually. You have the right to request an independent educational evaluation at the school's expense if you disagree with the school's evaluation. The school must respond to your request within 10 business days. If the school pays for an independent educational evaluation, the information must be made available to the CCC.

CASE CONFERENCE COMMITTEE MEETING

The Case Conference Committee (CCC) is a group of individuals that includes you and school personnel that are responsible for determining a student's eligibility for special education and related services, and if eligible, for developing the student's individualized education plan (IEP).

You have the right to (1) participate in all CCC meetings for your child until he/she reach 18 years of age, or after age 18 if you have obtained guardianship or have been appointed as the educational representative for the student, (2) request that the CCC meet if you believe that the required component of the student's IEP needs to be changed, (3) have the CCC meeting scheduled at a mutually agreed upon date, time and place, (4) participate by phone or other means if you cannot attend the CCC meeting in person, and (5) bring other individuals to the CCC that you believe have knowledge or special expertise about your child.

CONFIDENTIALITY and ACCESS OF RECORDS

The Family Educational Rights and Privacy Act of 1974 (FERPA) govern the confidentiality of a student's educational records. You have the right to (1) examine your child's school records until your child reaches age 18, (2) have your child's education records treated in a confidential manner, and (3) ask the school to amend information that you feel is misleading or inaccurate. Records will be maintained for at least three years after the student exits the special education program and the school will inform you before records are destroyed.

TRANSFER OF RIGHTS

When a child reaches the age of 18, all of the special education rights that belonged to the parent transfer to the 18 year old student, unless (1) a guardian has been appointed by the court or (2) an educational representative has been appointed.

NONPUBLIC (Private) SCHOOL

IDEA and Article 7 do not require the school to pay for the cost of education, including special education and related services, for a student with a disability at a nonpublic or private school or facility if: (1) the school made FAPE available in the public school and (2) you choose to place your child in the nonpublic school or facility.