

Additional Information

This notice is an abbreviated summary of procedural safeguards under federal and state laws. The entire parent's due process rights are available on the Kentucky Department of Education website at <http://www.education.ky.gov/>

To obtain more information about parental rights or dispute resolution including how to file a complaint, contact your local board of education.

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Parent's Rights: A Brief Summary of Procedural Safeguards

For students with disabilities receiving special education services



What Do I Need to Know as a Parent?

Teacher or Administrative Involvement is Important

A number of people in your child's system and special education department can answer questions about your child's education and your rights as a parent. When you have a concern, it is important that you contact your child's teachers or administrators to talk about your child and any problems you see. This informal conversation often solves the problem and helps maintain open communication.

Parent Participation is Important

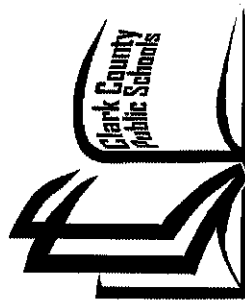
You must be given the opportunity to participate in all meetings during which decisions will be made about your child's special education services. You have the right to participate in meetings about the identification, assessment, educational placement, and other matters related to your child's education. If you are unable to attend, you may request to participate over the phone or to have the meeting changed. Under certain conditions, a surrogate parent may be assigned to represent a child with a disability when a parent cannot be identified or located.

Parents Have Rights

Parents of children with disabilities from three years of age through age twenty-one have specific rights under the Individuals with Disabilities Education Act. These rights are sometimes called procedural safeguards. Individuals serving as surrogate parents and students aged eighteen or over receiving special education services also are entitled to these procedural safeguards, known as the "Notice of Procedural Safeguards."



This brochure will give you the basic information you need to know about your rights as a parent.



One Community. One Vision. Life Ready
Where Every Student Matters

What are Parent's Rights in Kentucky Special Education? Parents and students over age eighteen have the right...

To Participate

You have the right to refer your child for special education services, to help with creating the development of the individualized education program (IEP), and to be informed of all program options and alternatives, both public and nonpublic.

To receive Prior Written Notice

You have a right to get notified in your native language when the school system initiates a change in the identification, assessment, or educational placement in special education. In Kentucky, the IEP may serve as prior written notice.

To Consent

You must sign an agreement before your child is assessed or provided with any special education services. You must also provide consent before any change in special education placement occurs. In addition, you must provide consent in most situations before the school releases information about your child to others.

To Refuse Consent

You may refuse evaluation for or placement of your child in special education or the other situations described above.

To be Given Nondiscriminatory Assessment

Your child must be tested for special education in ways that are fair to your child, which means that tests cannot be discriminatory or culturally biased.



To Receive Independent Educational Assessments

You may get an independent educational evaluation for your child at the public's expense if you do not agree with the school system's evaluation. The school system must help you get a second opinion if you ask them. If the system believes that an independent evaluation is not needed, it may ask for a hearing to prove that the system's assessment is appropriate.

To Access Your Educational Records

You have the right to look at and get copies of your child's educational records.

To Stay in the Current Program if There is a Disagreement About Placement

If you disagree with the system regarding your child's special education placement or proposed change in placement, the law requires the student to "stay put" in the current program until the disagreement is resolved.

To Be Given a Hearing Regarding Disagreements About an IEP

You have the right to file a request for Due Process Hearing related to the provision of a free appropriate public education for your child. You have the right to have an attorney, an advocate, and the student present at the Due Process Hearing; and to make the hearing public. Under certain conditions, the hearing officer may award, reduce, or deny the reimbursement of attorney's fees and fees paid to nonpublic institutions by parents in the settlement of a case. To request a Due Process Hearing or to receive a complete notice of procedural safeguards related to fair hearing, contact the Divisions for Special Education Services and Supports or your local school system.



To Participate in a Resolution Session

You have the right to be part of a resolution session that gives parents and school systems a chance to settle any issues in the due process complaint. In this way, parents and school systems may avoid a Due Process Hearing and give immediate benefit to the child. If parents and the school reach an agreement, they both must sign a legally binding agreement. If it is not settled, the parents and school may go to a Due Process Hearing.

To Receive Mediation

You are also encouraged to consider settling disagreements regarding your child's special education program through voluntary mediation, a process through which parents and systems try to find a solution to which both can agree with the help of an impartial mediator. You can seek mediation separate from due process, or you can participate in mediation prior to a Due Process Hearing. Mediation cannot be used to delay your right to a Due Process Hearing.

To File A Complaint Against Your School System

If you believe that your child's school system has not complied with the laws, you may file a complaint with the Kentucky Department of Education. The Department must investigate the complaint and issue a written report of findings within 60 days of receiving the complaint.

To Be Informed of School Discipline and Alternative Placement

There are specific rules regarding suspensions and expulsions of students with IEPs. Generally, a student with a disability may be suspended or placed in an alternative educational setting to the same extent that these options apply to students without disabilities. If your child is in such a placement for more than 10 days, an IEP meeting must be held to consider the appropriateness of your child's current placement and the extent to which the disability is the cause of the misconduct. Regardless of your child's placement, the system must provide a free appropriate educational program for your child.

To Be Informed of Policies Regarding Children Who Attend Private Schools

Children who are enrolled by their parents in private schools may participate in some publicly funded special education programs. Although school systems have clear responsibility to offer a free appropriate public education to students with disabilities, recent changes in federal law have greatly lessened the school systems responsibility to provide services to students who have been enrolled in private schools.

