

When a parent has a child receiving Special Education services there are some rights and protections that are included in the law to help ensure that parent input is considered in the IEP (Individualized Education Plan) process. The Iowa Procedural Safeguards Manual for Parents describes a parent's right to involvement in the IEP process and should be provided to families at least once a year at the child's IEP meeting.

According to Iowa's Special Education law, the definition of parent includes:

- A biological or adoptive parent of a child
- A guardian
- An individual such as a grandparent, stepparent, or other relative who the child lives with and is acting in the place of a biological or adoptive parent
- An individual who is legally responsible for the child's welfare
- An extended educational decision maker
- A surrogate parent

In Iowa, a foster parent doesn't automatically have parental rights in special education but may act as a parent if assigned as a surrogate parent or if the foster parent is an individual such as a grandparent, stepparent, or other relative that the child lives with and is acting in the place of a biological or adoptive parent. Also when parents live separately, notices should be provided to and rights are held by both parents unless a custody agreement states otherwise.

Under the IDEA law, parents are vital members of the team who should meet at least once a year to develop and update the Individualized Education Plan (IEP) for a student in Special Education. Parents must also be invited to any meetings where significant changes to the IEP will be discussed. They should receive a notice of the proposed IEP meeting. If they are unable to attend at the suggested time, parents should contact the school team to find a more agreeable time. An IEP meeting can be held without parents in attendance as long as multiple attempts have been made and documented to get

parents to come or participate via phone or other methods.

Parents can invite anyone they'd like to an IEP meeting. Since IEP meetings can be overwhelming, emotional, and full of information and educational terms that might be confusing, it can be helpful for a parent to bring someone with them that they can reflect back about the meeting with. It is courteous for parents to let the school know if they have invited others to attend.

The law includes certain requirements for IEP meetings, like who should participate in the meeting and which pieces of the IEP should be discussed. Under The IDEA schools must ensure that parents have the opportunity to participate in each step of the special education process. Parents, and (whenever appropriate) the student, must be meaningfully involved in:

- The development, review, and revision of the IEP
- Educational placement decisions
- Determining what data needs to be collected during evaluation
- Reviewing evaluation data
- Transition planning and services starting by age 14

The IEP document also has a spot for a statement from parents about their concerns for their child's education. It can be helpful for parents to prepare a list of questions, concerns, or topics for discussion with the team to take with them to the meeting as well as any ideas about their child's strengths, interests and preferences to share with the team.

After the IEP team has met to update the IEP, parents should be given a notice that includes any significant changes that were discussed and what factors were used to make those decisions, called the Prior Written Notice. The notice should also include a date when the changes will go into effect. If parents disagree with any of the IEP team's decisions, they can appeal the decision using one of the conflict resolution options described in the Procedural Safeguards Manual.

The school team has an obligation to help the family understand the services and supports that are being discussed so that they can have meaningful input. Families should never feel bad about asking questions! If a parent has a question about their rights in the process, they shouldn't hesitate to talk to the Special Education Teacher, AEA Consultant or other IEP team members, or call ASK Resource Center or the Family Educator Partnership at AEA for more information.

Some of the specific rights that parents are entitled to under IDEA include:

- The right to inspect and review records. Schools must ensure confidentiality of records.
- Consent: Parents must provide permission before evaluation, starting IEP services, if releasing information to other agencies, and to bill insurance or Medicaid. Consent can be revoked at any time.
- Meeting notices should be provided a reasonable time before the meeting describing the time, location, purpose and people who are invited to attend the child's IEP meeting.
- Prior Written Notice: a written explanation of proposed or refused changes to the IEP after they have been discussed at a meeting but before the changes go into effect.
- Procedural Safeguards: Dispute resolution options including mediation, due process, complaint.
- Behavior or Discipline Procedures: special circumstances may apply if child has been removed from their placement for more than ten days in a school year.

## Related Resources

Look for the following information sheets at [www.askresource.org/resources](http://www.askresource.org/resources)

- Six Principles of IDEA
- IEP on IEP's

And view the Procedural Safeguards Manual for Parents from the [Iowa Department of Education](http://www.ed.gov/idea/procedural-safeguards-manual-for-parents).

### ASK Essential Questions

- Have I received the required notices of meetings and changes related to my child's IEP?
- Has my input been considered by the IEP team?
- What are my options if I disagree with a decision made by the IEP team?