

**As the parent of a child who may receive special education services and supports, you have certain rights and protections, which are guaranteed by the IDEA. Called Procedural Safeguards, these rights include:**

- ▶ **Prior written notice** – the school district must give you advance written notice about evaluations, services or other actions affecting your child. These must be given in your native language or preferred mode of communication. This information must be provided to you a reasonable time before the school district proposes, refuses to initiate, or changes the identification, evaluation, educational placement or provision of a free appropriate education to your child.
- ▶ **Informed parent consent** -- you must be fully informed of all information relevant to the activity for which you are being asked to consent to. You must understand all the information, and agree to the carrying out of the activity. Your written consent is voluntary and you may revoke (cancel) it at any time. You have the right to choose only part of the services and supports being offered or provided to your child under the IDEA. There is no “all or nothing” requirement.
- ▶ **Revocation of Consent** -- Sometimes parents decide that they no longer want their child to receive special education and related services. Before making this final decision, it is important to weigh all the pros and cons and remember that revoking special education services is your right as a parent. However, it also means that the protection and considerations granted under IDEA no longer apply.

If you decide to revoke all services, the school must send you written notice as soon as the special education services have ended and your child’s program changes.

If at a later time, you decide that you would like to have your child continuing to receive supports and services under the IDEA, you will have to go back through the referral and evaluation process to determine your child’s eligibility.

Also, if you revoke consent for special education and related services after the school/district has already begun to provide and special education services and supports to your child, the school district is not required to amend your child’s education records to remove any references to special education.

- ▶ **Access to your child’s educational records** -- you have the right to inspect, review and receive copies of all educational records with respect to the identification, evaluation and education placement of your child. Families also have the right to review records without any unnecessary delay. They also have the right to do so prior to any meeting regarding an IEP or hearing relating to the identification, evaluation or placement of your child. This must happen no later than 45-days after you request to see the records.
- ▶ **Confidentiality** -- Any information from your child’s records cannot be released to anyone outside the early intervention program without your consent, or written permission. In addition, health care providers or other service providers can not release information to the early intervention program without your written permission. All records are confidential and should be kept private by the early intervention program.
- ▶ **Independent Educational Evaluation (IEE) Procedures** -- you have the right to request an independent educational evaluation at public expense if you disagree with the educational evaluation provided by the school district. The school district must provide you with information, upon request, as to how and

where to obtain an independent educational evaluation and ensure that the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, are the same as the criteria that the school district uses when it initiates an evaluation.

Before paying for such evaluation, the school district may initiate a due process hearing to show that its evaluation is appropriate. If you obtain an independent educational evaluation at your own expense, the school district must consider the results of the independent educational evaluation in any decision it makes about your child’s educational program.

- ▶ **Private school placement by parents** -- children with disabilities voluntarily placed by their parents in private elementary and secondary schools must be provided an opportunity to participate in special education services. However, they have no individual right to special education or related services. The school district where the private school is located must ensure that a proportionate share of Federal special education funding is used to provide services to this population of children. There must be a process established between the school district and private school to define how they will consult, and how, where, and by whom special education services will be provided to students placed by parents in private schools. In Wyoming, home schooling falls into the definition of private school.
- ▶ **Surrogate parents** -- the school district appoints a surrogate parent when the parents of the child are not known, if after reasonable efforts, no parent can be located, or the child is a ward of the state. The surrogate parent protects the rights of the child in all matters relating to FAPE (free, appropriate, public education).

▶ **Dispute resolution** -- every attempt should be made to resolve differences with the local school district as soon as they arise. If they cannot be resolved, you may request mediation or a due process hearing, (Mediation or due process may be requested by parents OR the school district).

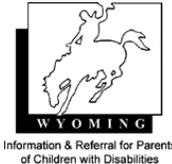
▶ **Mediation** -- a process to assist you and the school in resolving disagreements regarding a student's special education program. A trained mediator works with both parties to guide them toward a mutually satisfactory solution in the best interest of the student, at no cost to parents.

▶ **State Complaints** -- WY Department of Education (WDE) has established procedures to provide for the filing of complaints by individuals or organizations alleging that a school district has failed to follow state and/or federal law in providing a student with disabilities a free appropriate public education. To file a complaint, the complainant must send a written and signed complaint to the WDE. See more: <http://edu.wyoming.gov/in-the-classroom/special-programs/dispute-resolution/> or call (307) 777- 2961.

▶ **Due process hearings** -- an administrative hearing on any matter relating to the proposal or refusal of a school district to initiate or change the identification, evaluation, educational placement or free appropriate public education of a child. The hearing must be conducted by an impartial hearing officer, and scheduled at a time and place reasonably convenient to parents.

## For more information on PROCEDURAL SAFEGUARDS

### CONTACT:



## Parent Information Center

2232 Dell Range Blvd Suite 204  
Cheyenne WY 82009  
(307) 684-2277  
(888) 389-6542 (fax)  
E-mail: [info@wpic.org](mailto:info@wpic.org)  
Website: [www.wpic.org](http://www.wpic.org)

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# Procedural Safeguards

*Disability Brochure #31*



## Rights and Protections (called Procedural Safeguards) for Students with Disabilities under the Individuals with Disabilities Education Act (IDEA)

Parent Information Center  
(307) 684-2277

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