



PARENTS RIGHTS SUMMARY

Throughout the IEP process, there are many very specific parents rights. Following is a summary of when parents must be given notice and when parents must give consent. These procedures as well as the procedures for resolving problems are called “procedural safeguards” or “Due Process Rights”. The term “Due Process” is a term that refers to the rights of all citizens to protection under the 14th Amendment, to give consent and to appeal decisions.

Parents must be given a copy of Utah’s **Procedural Safeguards Notice** outlining specific parent rights under IDEA, one time a year, and a copy must also be given:

- Upon initial referral, when a parent or the school requests an evaluation
- Upon receipt of the first state complaint or due process complaint in that school year
- Upon request by a parent

Parental Consent

The granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent it is not retroactive.

Parent consent must be given:

- Prior to the LEA conducting an initial evaluation or reevaluation
- Before the initial provision of special education and related services

Written Prior Notice

Written notice must be given to the parents of a student with a disability a reasonable time before the LEA:

- Proposes to initiate or change the identification, evaluation, or educational placement of the student or provision of FAPE to the student
- Refuses to initiate or change the identification, evaluation, or educational placement or the provision of FAPE (when requested by the parent)

The written prior notice must include:

- A description of the action proposed or refused by the LEA
- An explanation of why the LEA proposes or refused to take the action
- A description of each evaluation procedure, assessment record or report the LEA used as a basis for the proposed or refused action
- A statement that the parents have protection under the procedural safeguards, and if this notice is not an initial referral for evaluation how the parent can get a description of the procedural safeguards
- Sources for the parents to contact to obtain assistance in understanding the IDEA law
- A description of other options that the IEP team considered and the reasons why those options were rejected
- A description of other factors that are relevant to the LEA’s proposal or refusal

The notice must be:

- Written in understandable language
- In the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so

This content is taken from the Utah Parent Center handbook: Parents as Partners in the IEP Process Parent Handbook

If your child has special needs, so do you! We can help!

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