



Dr. John D. Barge, State School Superintendent
 "Making Education Work for All Georgians"

Special Education: A Parent's Guide to Understanding Rights and Responsibilities

This guide is designed to help you understand your rights and responsibilities regarding special education. It should not be used as a substitute for the full version of the Parents' Rights outlined in the Individuals with Disabilities Education Act (IDEA) and the Georgia State Board of Education Rules (Ga. Bd. of Educ. R.) pertaining to Special Education. (See Ga. Bd. of Educ. R. 160-4-7-.09 PROCEDURAL SAFEGUARDS/PARENT RIGHTS). To view the full version of the Georgia Parents' Rights, please go to the Georgia Department of Education web site at www.gadoe.org and select *Offices & Divisions*, then under *Curriculum & Instruction*, select *Special Education Services and Supports*. You will then look under *Dispute Resolution* to find Parent Rights. The full version of these rights is available in multiple languages and is also presented in video format.

<p>RECORDS:</p> <ul style="list-style-type: none"> ⇒ You have a right to look at your child's education records. ⇒ You may also have the records interpreted or explained to you. ⇒ You may request to have something in the record changed or removed if you feel it should not be in your child's record. ⇒ You have the right to add information, comments, data or any other relevant written material to your child's record. ⇒ You may ask for and receive copies of the Individualized Education Program (IEP) and/or any of your child's records. The school district may charge a fee for the copies but may not charge a fee for searching for and retrieving documents. ⇒ With your written permission, you may have a person acting on your behalf inspect and review the records. 	<p>EVALUATION PROCEDURES:</p> <ul style="list-style-type: none"> ⇒ Your child has the right to a full and complete evaluation to determine if he/she has a disability and is in need of special education and/or related services. ⇒ You have the right to have your child assessed in all areas of the suspected disability. ⇒ The school district must test your child according to procedures outlined in the IDEA and Georgia Special Education Rules. ⇒ Evaluations must consist of more than one test, and those tests must be given in the language that the child normally uses, unless the parent and school agree otherwise, and at least once every three years. ⇒ You will be involved in the decision about eligibility and what programs and services your child needs during the reevaluation.
<p>CONFIDENTIALITY OF INFORMATION:</p> <ul style="list-style-type: none"> ⇒ Your child's educational records are <u>private</u>. ⇒ You can ask to have copies of only your child's records. ⇒ School employees involved with your child may see your child's records and do not require your permission. ⇒ No one else may see the results of your child's records without your permission 	<p>LEAST RESTRICTIVE ENVIRONMENT:</p> <ul style="list-style-type: none"> ⇒ You have the right to have your child taught in classrooms and participate in all school programs and activities with other children without disabilities, of the same age and grade, to the greatest extent appropriate for your child. ⇒ School district personnel must make accommodations and modifications so that your child can participate in all school programs and activities to the greatest extent appropriate.
<p>INDEPENDENT EVALUATION:</p> <ul style="list-style-type: none"> ⇒ If you disagree with the school's evaluation, you may have your child tested by a professional evaluator not employed by the school district, at public or private expense. Contact the school district to find out the procedures for accessing this right. ⇒ <u>Upon request</u>, the school district <u>must provide</u> you a list of <u>independent</u> evaluators so that you may choose one to test your child. ⇒ The school district must consider the results of an independent evaluator. ⇒ The IEP Team uses the results of the test to determine if your child has a disability or needs special education. 	<p>SURROGATE PARENTS:</p> <ul style="list-style-type: none"> ⇒ When the school cannot find the child's parents or the child is a ward of the state, the school district will assign a surrogate (substitute) parent who will represent the child regarding the child's rights and interests for any evaluation, meeting, or educational decisions for special education services. ⇒ Surrogate parents will receive special training and will act as the parent by giving consent and participating in IEP Team/other meetings. ⇒ The surrogate parent has the same rights and responsibilities as a parent in special education in matters relating to a student.
<p>NOTICE/PARENT PARTICIPATION:</p> <ul style="list-style-type: none"> ⇒ You must be notified of your parental rights. ⇒ You must be invited to attend meetings about your child such as eligibility, reevaluation, or IEP Team meetings. ⇒ You are to receive copies of all documents about your child's education program and can have them explained to you. ⇒ Copies can be in your native language, Braille, or explained in sign language. If needed, the school district will provide 	<p>COMPLAINTS, MEDIATION, HEARINGS:</p> <ul style="list-style-type: none"> ⇒ You have the right to ask for mediation or a due process hearing if you disagree with what the school has planned for your child. ⇒ The school district can also ask for mediation or a due process hearing. ⇒ The parent and the school district must both agree to try mediation before mediation will be scheduled.

<p>a translator or interpreter.</p> <ul style="list-style-type: none"> ⇒ You must be given opportunities to participate in any decision-making meeting regarding your child’s special education. ⇒ You must be invited to any meeting that is held to discuss your child’s disability, evaluations, reevaluations, placement of your child, and his/her IEP and its contents. ⇒ You are entitled to have IEP Team meetings held at a time and place mutually convenient to you and other members of the IEP Team. ⇒ You have the right to excuse or not to excuse a member of your child’s IEP Team from attending an IEP Team meeting. The school district cannot excuse a required member without your permission. 	<ul style="list-style-type: none"> ⇒ When you request a due process hearing, you have the right to participate in a resolution session that provides an opportunity for parents and school districts to resolve any issues in a due process complaint so that the parents and districts can avoid a due process hearing and provide an immediate benefit to the child. ⇒ When you request a due process hearing, you have the right to an impartial due process hearing conducted by an administrative law judge (ALJ)/hearing officer. ⇒ When you request a due process hearing, you have the right to legal counsel during the due process hearing. ⇒ After an ALJ/hearing officer renders a final decision in a due process hearing, you have the right to appeal the decision in a state or federal court within 90 days of the date of the decision. ⇒ You may file a formal written complaint with the Georgia Department of Education to conduct an investigation about any concerns, problems, or disagreements related to the IDEA or Georgia Special Education Rules. The complaint can be faxed to the Division for Special Education Services and Supports at 404-651-6457 (fax) or mailed to the division at 1870 Twin Towers East, 205 Jesse Hill Jr. Drive SE, Atlanta, GA 30334.
<p>CONSENT:</p> <ul style="list-style-type: none"> ⇒ The school cannot test/evaluate or reevaluate your child without your permission/consent. ⇒ The school cannot place your child in special education or change your child’s program placement without your permission/consent. ⇒ The school district cannot release your child’s records without your permission/consent except to certain individuals identified in law. ⇒ You have the right to <u>not</u> give your permission/consent. ⇒ You have the right to take away your consent to special education and related services once you have given permission; you must do it in writing. Revoking consent means your child will no longer receive any special education services. 	<p>DISCIPLINE PROCEDURES AND RIGHTS:</p> <ul style="list-style-type: none"> ⇒ The school district must follow certain procedures when students with disabilities exhibit behaviors that cause the IEP Team to find other settings and/or ways to educate the child. ⇒ Schools may remove students to alternative programs when there is a potential danger to the child, students, or school personnel. ⇒ Regardless of the setting, the school district must continue to provide a free appropriate public education for your child. ⇒ The setting must enable your child to continue to receive services that will allow him/her to meet the goals and objectives in his/her IEP. ⇒ Disciplinary actions occur for violations involving drugs, alcohol, weapons, or other school rules violations. ⇒ These rights protect you, your child, and the school district.
<p>PRIVATE SCHOOL PLACEMENT:</p> <ul style="list-style-type: none"> ⇒ If you decide to place your child in a private school, you must inform school officials at the last IEP Team meeting of your intent and explain your concerns about the public program. ⇒ The school district is not required to pay for the private school if the school district offered a free appropriate public education to meet a child’s educational needs that have been identified through the educational evaluation and are included in the IEP. 	<p>CONTACTS:</p> <ul style="list-style-type: none"> ⇒ When you have concerns about your child’s education, it is important to tell the school principal or special education director. ⇒ If you need further help, there are parent or advocacy groups from whom you may obtain help. Ask the school for information or a list of names. You also can contact Parent to Parent of Georgia which keeps an active list for referrals or other information. Call 1-800-229-2038 or go to www.p2pga.org. ⇒ You may also contact the Division for Special Education Services and Supports at 404-656-3963 or 1-800-311-3627 or go to the Georgia Department of Education website at www.gadoe.org to help find other helpful resources.
<p>LOCAL CONTACT INFORMATION:</p>	