



## **Procedural Safeguards/Parents' Rights**

*Procedural Safeguards* are parents' rights under special education law. They were designed to ensure parents have meaningful participation in their children's education. The following are procedural safeguards:

### ***Right to Prior Written Notice of Meetings and Mutually Agreed Upon Meeting Times***

- Districts (via schools) must provide parents with "prior written notice" whenever it wants to take or refuse any action involving providing special education services
- Notice must include: description of action proposed or refused; explanation of why the district proposes or refuses to take the action; and description of each data point the district used as a basis for the proposed or refused action.
- Districts must do their best to accommodate parents' schedules and meet at a mutually agreed upon time.
- *Tip: Parents can propose times and dates for meetings that meet their schedules.*

### ***Right to Parent Participation, Consent & Agreement for Special Education Services***

- Parent consent must be obtained before a child is evaluated for special education services and for a school to provide those services
- Parents may agree or disagree with any services a school proposes
- Parents must have opportunity to meaningfully participate in their children's IEP and parents' input must be considered when providing services.
- *Tip: Parents can provide these in Parent Input sections and Parent Educational Concerns in the IEP.*

### ***Right to Ensuring Their Children Receive Free and Appropriate Public Education (FAPE)***

- Free is defined as no cost to the parent
- Appropriate services are based on the child's individual unique needs as outlined in the child's Individualized Education Program (IEP)
- FAPE involves ensuring that a child makes educational benefit and more than minimal progress

6817 S. Eastern Avenue Suite 101, Las Vegas, NV 89119

702-509-1797

[info@elmedconsulting.com](mailto:info@elmedconsulting.com)

[www.elmedconsulting.com](http://www.elmedconsulting.com)

- *Tip: To receive FAPE, a child must make some progress in their IEP goals. Minimal progress suffices but no progress over a long period of time can be defined as a lack of providing FAPE. Make sure your child is moving forward in IEP goals and benchmarks. If your child is not, contact your child's special education teacher and determine if you need to update your child's IEP with more achievable goals.*

### ***Right to Having Their Children Educated in Their Least Restrictive Environment (LRE)***

- To the maximum extent appropriate children with disabilities are to be educated with their peers
- Removal may only occur when education in regular class with the use of supplementary aids and services cannot be achieved satisfactorily
- Placement should be based on the child's IEP and unique needs, not disability
- *Tip: Discussion of the location of any special education placement or classroom should begin with discussing with whether the child can be taught the material in the general education classroom with any aids and accommodations. These aids can be any aid that would help a child including: modified work; extra staff assistance in the classroom; extra breaks; modified classroom environment; testing accommodations; and special teaching/learning techniques.*

### ***Right to Confidentiality of Student Records***

- Access to records is limited to school employees who work with the child directly and provide services
- *Tip: You do not have to give any confidential information to schools or provide entire reports about your child. You can provide any information relevant to the child's education and omit the rest. You can tell the school some information is confidential and you don't feel comfortable in sharing it. You can also ask anyone who works with your child to provide a letter about your child with only certain relevant information to help get services or instead of providing an entire report.*

### ***Right to Access & Amendment of Records***

Parents have a right to:

- inspect and review educational records
- get a response from the school district to reasonable requests for explanations and interpretations of the records
- to have a representative inspect and review the records, and

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- to request copies of the records containing information regarding the student
- amend school records upon finding inaccurate or misleading or violates the privacy or other rights of the child
- *Tip: To review, get copies of, or amend records, a parent would request such actions in a written letter to the principal of the child's school. The principal must agree or disagree with the request within 10 days. If the principal disagrees with the request, the principal must state the reason why and give information on how to dispute the principal's decision.*

### ***Right to Independent Educational Evaluation (IEE)***

- Parent may request an Independent Educational Evaluation at public expense if parent disagrees with a school district evaluation
- School district must fund the IEE or initiate a due process hearing so that a hearing officer decides if the IEE was necessary and determine if they were entitled to payment
- *Tip: To request an IEE, a parent should notify the school they would like one and ask for information on how to request it. Regardless, if a parent decides to obtain an IEE, they can submit it for payment to schools but schools have the right to take the parent to a Due Process Hearing to dispute it. Therefore, it is advantageous to request it ahead of time.*

### ***Right to File Complaints and Obtain Remedies Under the Law When Rights Have Been Violated***

- Complaints include: Due Process, State, and Office of Civil Rights
- *Tip: If you feel like your voice was not heard or your rights were violated, there are several advocates and attorneys in town who deal with special education issues. Contact ELM for further assistance or resources. Additionally, both CCSD and the Nevada Department of Education have information on how to file a complaint.*