Parents' & Students' Rights Toolkit

MILESTONES AUTISM RESOURCES

What This Toolkit Covers:

1. Parent Rights under IDEA (Individuals with Disabilities Education Act)

- **Right to Access Records**: Parents have the right to request and review their child's educational records at any time.
- **Right to an Individualized Education Program (IEP)**: Parents can request an IEP for children with disabilities. The IEP must be reviewed annually and updated to meet the child's needs.
- **Right to Participate**: Parents are entitled to actively participate in meetings related to their child's education, including IEP meetings, and to make decisions about educational services.
- **Right to Prior Written Notice**: Schools must inform parents in writing of any changes or actions regarding their child's education or services.
- **Right to Request Mediation or Due Process**: If parents disagree with the school's decisions, they have the right to request mediation or a due process hearing.

2. Student Rights in School

- **Free Appropriate Public Education (FAPE)**: Students with disabilities are entitled to a FAPE in the Least Restrictive Environment (LRE), meaning they should be educated with their non-disabled peers to the greatest extent possible.
- **Non-Discrimination**: Students cannot be discriminated against based on their disability, race, ethnicity, or any other factor.
- **Right to Participate in Extracurricular Activities**: Students with disabilities have the right to participate in extracurricular activities and school events, with necessary supports and accommodations.
- **Right to be Involved in IEP**: Students can, and should, be involved in their own IEP process, particularly as they get older, to ensure their goals align with their aspirations.

3. How to Advocate Effectively

- **Document Everything**: Keep written records of all meetings, emails, decisions, and communications with school officials.

- **Request Written Information**: Ask for any educational decisions, IEPs, and plans in writing. This creates a clear record and ensures accountability.

- **Ask Questions**: Don't hesitate to ask questions or request clarification during meetings. Be clear about what services and supports your child needs.

- **Stay Proactive**: Regularly check in with teachers and school staff. Don't wait for issues to arise—address them early.

- **Know Your Rights**: Familiarize yourself with IDEA and state-specific education laws to be a more effective advocate for your child.

4. What to Do When Rights Are Violated

- **Request a Meeting**: If you believe your rights or your child's rights have been violated, request a meeting with the school to discuss your concerns.

- **File a Formal Complaint**: If necessary, file a complaint with the school district or the state Department of Education.

- **Request Mediation or Due Process**: If disagreements continue, request mediation or a due process hearing under IDEA to resolve the issue.

- **Seek Advocacy Support**: Reach out to a local advocacy group or legal resources to assist in addressing violations and navigating disputes.

5. Key Terms & Contacts

- **Key Terms:**

    - **FAPE (Free Appropriate Public Education)**: The right to an education that meets the child's individual needs.

    - **IEP (Individualized Education Program)**: A written plan that outlines the specific educational services and goals for students with disabilities.

- **LRE (Least Restrictive Environment)**: The principle that students with disabilities should be educated with non-disabled peers whenever possible.

- **IDEA (Individuals with Disabilities Education Act)**: A federal law that ensures students with disabilities have access to a free, appropriate public education.

- **Key Contacts:**

  - **Local School District**: Contact the special education coordinator for your school district to learn more about services available.

  - **State Department of Education**: File complaints or access information on educational rights at your state's Department of Education website.

  - **National Parent Technical Assistance Center (PTAC)**: Provides resources for parents on special education rights.

  - **Disability Rights Organizations**: Local or national groups that advocate for the rights of students with disabilities. (e.g., Disability Rights Ohio, Parent Training and Information Centers)

Conclusion:

Knowing your rights is essential for navigating the education system and advocating for your child. This toolkit helps parents and students understand their rights, how to advocate effectively, and what to do if those rights are violated. Stay informed, stay proactive, and always communicate clearly with the school to ensure your child receives the support they need.