

# Tennessee Department of Education

## Quick Guide to Parent Rights and Responsibilities in Special Education

Parents of children who receive or may be eligible for special education services have rights under both the TN Rule [0520-01-09](#) and [The Individuals with Disabilities Act \(IDEA 2014\)](#). An important part of these laws provides parents with the right to participate in their children's education. This document will give an overview of laws affecting the provision of special education to assist you in understanding your rights and responsibilities in the special education process. The school district must give you a full copy of the [Notice of Procedural Safeguards](#). It is a more detailed explanation of your rights. With this knowledge, you can prepare to take an active role in your child's education.

### EVALUATION



You have the right to ask your school to evaluate your child to see if your child has a disability and needs special education services. Your school district has up to 60 calendar days to initially evaluate and up to an additional 30 calendar days to develop an **Individualized Education Program (IEP)** if your child is determined to be eligible for services. The timeline starts when the school district receives signed parental consent. Your child must be assessed using tests and procedures that are sensitive to your child's disability or cultural background. For example, a test in English should not be conducted for the child whose primary language is Spanish.

### CONSENT



Your **consent** (written permission) is required for the school district to evaluate your child for the first time unless a special education hearing officer has ordered an evaluation. Even if the evaluation team decides that your child is eligible for special education services, you do not have to accept the services for your child. For your child's first IEP, no services can be provided until you give written consent for your child to receive special education services.

If you accept services, **you can revoke your consent** to services at any time. You must submit this request in writing to your child's school. A revocation would forfeit *all of your child's* special education services, related services, and other supports in your child's IEP. If you decline or revoke consent for services, you can request services at a later time. Depending on the time that has passed, the school district may need to re-evaluate your child.

### DECISION MAKING



You have the right to **participate in developing an IEP for your child**. You are an important part of the team that makes decisions about your child's education. You have the right to share information and express your opinion at any team meeting or anytime you feel it would help your child's education. The team decides the kind and amount of services your child needs and where the services will be provided. The team must include your child's teachers, school administrators, parents, and other individuals.

If you have ideas or concerns about your child's program, you should first talk to your child's teachers or other people who work with your child. Talking with members of the team early on can often prevent problems later. Open, mutual communication between you and the other members of your child's team is encouraged to provide an appropriate program for your child.

### SERVICES



One important part of IDEA requires public schools to provide a **free, appropriate public education (FAPE)**. **Free** means that special education services are provided at no cost to the parents. **Appropriate** means that your child's program must provide the *right kind of services* based on your child's needs and *enough services* for your child to receive educational benefits. This benefit comes through access to and progress in the general education curriculum for all children. In addition, your child has a right to progress toward their individual goals through access to the same activities, classrooms, and settings as children who do not have disabilities.

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### LOCATION



Your child should receive education in the **least restrictive environment** (LRE). This means that children with disabilities, including preschoolers, will be educated appropriately in a regular education environment and with their non-disabled peers. If they didn't have a disability, the school they would attend should be considered first. Children are only removed from being educated with typical peers if it is determined, based on data, that they cannot be appropriately served in the regular education environment, even with the use of supports and services. A regular early childhood education classroom must include at least 50 percent of children who do not have disabilities.

### NOTICE



You have a right to know why the school district is proposing or refusing specific actions, supports, or services. This explanation is called **Prior Written Notice** (PWN). This notice must be given to you in a language you understand, in a reasonable amount of time before the school district takes action or refuses to take action about:

- whether your child is eligible for services,
- the type of disability your child has,
- what services your child will receive, and/or
- where your child will receive services.

Once an IEP is developed or revised and any PWN with proposed changes is received, the IEP should be implemented as soon as possible. If needed, you have up to 14 calendar days to review and consider the information on the IEP. The IEP will go into effect on the 15th calendar day unless you notify the team that you disagree and take steps to resolve any concerns.

### COPIES AND PRIVACY



The school district must give you a copy of the full **Notice of Procedural** Safeguards when your child is referred for evaluation, and at least once each school year, when your child receives special education services. Parents can also obtain a copy from their child's school at any time or from the Tennessee Department of Education.

You have a right to see all **your child's records**. However, you can prevent the school from sending your child's records to someone else without your written permission. In addition, the school must give you a free copy of the evaluation report and a free copy of your child's IEP.

Parents are encouraged to contact any of these organizations for assistance in understanding and navigating the special education system.

Tennessee Disability Pathfinder	Disability Rights Tennessee	TNSTEP Special Education Support for Tennessee Families	Tennessee Voices for Children	The Arc Tennessee
800.640.4636 (Multilingual) <a href="http://www.familypathfinder.org">www.familypathfinder.org</a> <a href="mailto:tnpathfinder@vanderbilt.edu">tnpathfinder@vanderbilt.edu</a>	800.342.1660 <a href="http://www.disabilityrightstn.org">www.disabilityrightstn.org</a> <a href="mailto:GetHelp@disabilityrightstn.org">GetHelp@disabilityrightstn.org</a>	800.280.7837 (English) 800.975.2919 (Spanish) <a href="http://www.tnstep.org">www.tnstep.org</a> <a href="mailto:information@tnstep.org">information@tnstep.org</a>	800.670.9882 <a href="http://www.tnvoices.org">www.tnvoices.org</a> <a href="mailto:info@tnvoices.org">info@tnvoices.org</a>	800.835.7077 <a href="http://www.thearctn.org">www.thearctn.org</a> <a href="mailto:info@thearctn.org">info@thearctn.org</a>



Tennessee's **Notice of Procedural Safeguards** provides a more detailed explanation of these rights and supersedes this document.

A PDF of the full document may be accessed at this link: [bit.ly/3zd3uWv](http://bit.ly/3zd3uWv)

An electronic copy of this Quick Guide along with additional information about early childhood special education may be accessed at this link: [bit.ly/TNDOE619](http://bit.ly/TNDOE619)

